



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

May 6, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC HEALTH:
JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF
LOS ANGELES AND THE CITY OF LOS ANGELES FOR THE CREATION OF THE
SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY IN THE
COUNTY AND CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICTS 3 AND 5)
(3 VOTES)**

SUBJECT

Request for approval of a Joint Exercise of Powers Agreement (Agreement) between the County of Los Angeles and the City of Los Angeles for the creation of the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) to locally regulate the combined operation of the Sunshine Canyon Landfill in compliance with State law and regulations.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that approval of the Agreement is categorically exempt from the California Environmental Quality Act.
2. Approve and delegate authority to the Director of Public Health, or his designee, to execute the Agreement, substantially similar to Attachment 1, between the County of Los Angeles and the City of Los Angeles for the creation of the SCL-LEA to locally regulate the combined operation of the Sunshine Canyon Landfill (SCL) in compliance with State law and regulations.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

3. Approve and instruct the Chair to sign the attached Resolution (Attachment 2) designating the SCL-LEA the enforcement agency of the SCL.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Background

The SCL is located at 14747 San Fernando Road, Sylmar, California 91324. A portion of the landfill is situated in the unincorporated territory of the County and the remainder within the City. Currently, the County Local Enforcement Agency (County LEA) and the City Local Enforcement Agency (City LEA) regulate and have issued separate Solid Waste Facility Permits (SWFP) at the SCL for their respective jurisdictions.

On February 6, 2007, the Board adopted the Replacement Conditional Use Permit (RCUP) No. 00-194-(5) for the SCL which would allow a combined City/County landfill (Joint Landfill) upon the completion of a number of requirements by the operator, Allied Waste Industries, operating as Browning Ferris Industries (BFI). Under Condition 18 of the RCUP, BFI is required to obtain a SWFP as one of the permits and approvals required to operate and develop the City/County project.

On January 8, 2008, BFI as the landfill operator filed an application for a SWFP with the California Integrated Waste Management Board (CIWMB). On February 15, 2008, the County requested an administrative review hearing on the matter. The hearing is scheduled for May 13, 2008. The CIWMB accepted the application for processing on March 7, 2008. It is the interest of the City and the County to enter into this Agreement in anticipation that the CIWMB will terminate BFI's current application request, process the certification of the Agreement, the Enforcement Program Plan (EPP) and Resolution before your Board, and refer BFI to the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) for processing the SWFP.

The City Council was asked to consider the Agreement for approval on April 25, 2008. Upon approval of the Agreement by the Board, the City and County will submit the Agreement, the EPP and the Board Resolution for certification by the CIWMB.

Purpose/Justification

In order for BFI to obtain a single operating SWFP for the Joint Landfill (Combined SWFP) from a single agency, the application process calls for a new certified local enforcement

agency to receive the application, process and issue the permit. The Agreement would establish a single SCL-LEA eligible to be designated and certified by both the City of Los Angeles (City) and the County of Los Angeles (County) as the enforcement agency under the California Public Resources Code for the entire SCL within both jurisdictions. The SCL-LEA will locally regulate the combined operation of the SCL in compliance with State law and regulations. The SCL-LEA will be responsible for inspection, permitting, enforcement and complaint investigation at the landfill.

The Agreement between the County and the City provides for creation of a Board of Directors with defined duties and powers to govern the SCL-LEA. The Agreement also includes as an attachment a draft of the State required EPP (Agreement, Exhibit B) detailing the operations and enforcement for the landfill by the SCL-LEA. The required EPP will be finalized by the City and County and submitted for approval by the CIWMB, the State agency responsible for overseeing enforcement agencies for solid waste in California. The CIWMB is expected to maintain its periodic review of the performance and qualifications of the SCL-LEA, approve necessary updates to the EPP made by the SCL-LEA, and take necessary action if State certification standards are not maintained by the SCL-LEA.

The Resolution is required by Public Resources Code Section 43202 and 43203 (d) to designate the SCL-LEA as the regulatory agency for the Joint Landfill.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Service Excellence (Goal 1) and address Community Services (Goal 6). Adoption of the Agreement and Resolution will allow the County to enhance the quality of life for its residents and businesses in the unincorporated areas by providing excellent regulatory services of the SCL.

FISCAL IMPACT/FINANCING

The Agreement will not impact the County's General Fund. Under the Agreement, the SCL-LEA will establish an annual operating budget. Full cost recovery for expenditures related to the operations and administrative duties including legal expenses of the SCL-LEA will be obtained through the landfill owner operator.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

BFI desires to operate the County and City portions of the landfill as one combined refuse facility, the Joint Landfill, in order to achieve savings based on economies of scale in its operation as well as to obtain a significantly greater tonnage capacity for its disposal business than is currently feasible under two separate landfills.

Consequently, BFI obtained conditional land-use approval for the Joint Landfill from the City under City of Los Angeles Ordinance 172933 on December 10, 1999 (City Zoning Amendment), and under County of Los Angeles Replacement Conditional Use Permit 00-194-(5) (County CUP) which your Board approved on February 6, 2007. The City Zoning Amendment and the County CUP both contemplate the Joint Landfill to commence operations if BFI is able to fulfill certain conditions (Land Use Conditions).

BFI desires to operate the Joint Landfill under a Combined SWFP that would apply to both jurisdictions. However, BFI does not want the Combined SWFP issued, regulated or administered separately by both the County LEA and the City LEA. Rather, BFI has asked for a single LEA for the entire Joint Landfill. In addition, the CIWMB has taken the position that a Combined SWFP should not be regulated or administered by agencies "with separate chains of command". The CIWMB has taken steps to assume responsibility for regulation of the Joint Landfill unless and until a single LEA is in place.

The CIWMB has made it clear that it will process BFI's application and intends to issue a combined SWFP for the Joint Landfill unless a new single certified SCL-LEA is established to receive the application, process and issue the permit. In addition to meeting the CIWMB requirements, a single SCL-LEA will allow for more efficient local regulation of the Joint Landfill while still providing the necessary protection of public health and the environment within both the County and City jurisdictions.

In order to comply with the CIWMB direction, the County and City staff have therefore, prepared the attached Agreement for the SCL-LEA to be established as a State-certified agency for the purposes of locally regulating the combined operation of the Landfill in compliance with State statutes and regulations. The Agreement calls for the SCL-LEA to be established as a joint powers agency under the State Joint Powers Act, (Government Code Section 6500 et seq.) to be administered by a five-member Board of Directors:

- The Director of the Department of Public Health of the County, or his/her designee, shall serve as a director for the SCL-LEA.

- The City Environmental Affairs Department General Manager, or his/her designee, shall serve as a second director for the SCL-LEA.
- Two of the directors would be City and County appointees by the City Council and Board of Supervisors respectively.
- The City LEA Director and the County LEA Director shall mutually nominate a member of the public to be the fifth Director subject to unanimous approval by the other Directors. The Public Director shall be a registered civil engineer licensed in California with experience in public policy, legal/regulatory matters, and environmental issues related to waste disposal and landfill management.

The Chairperson of the SCL-LEA Board will serve for a period of one year and the duties of the Chairperson will alternate between the City and County Directors. The Board of Directors of the SCL-LEA will be responsible for enforcement of the legally mandated environmental standards and surveillance program in order to protect public health and the environment.

The Agreement shall continue until the later of thirty years after the certified closing of the SCL unless otherwise extended or terminated by the Contracting Parties or upon termination by written notice from either the County or City, with a minimum of 180 days prior notice.

The Agreement has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

The Agreement is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The Agreement enables regulation of the SCL through a joint powers organizational structure. The SCL-LEA does not change the geographical area of authority. The project therefore meets the exemption criteria of Section 15320 of the State CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

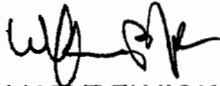
Approval of the Agreement will support ongoing inspection and enforcement at the local level allowing efficient responsiveness to the Board, the public and the landfill operator.

Honorable Board of Supervisors
May 6, 2008
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CONCLUSION

It is requested that the Executive Officer, Board of Supervisors, return one signed original Agreement and stamped letter with four certified copies to the Director of Environmental Health, 5050 Commerce Drive, Baldwin Park, California. It is further requested that three signed original Agreements be sent to the City of Los Angeles, Chief Legislative Analyst and a copy be provided to the Chief Executive Officer and the Director of Public Works.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:SRH:SAS
MLB:RFM:yb

Attachments (2)

c: County Counsel
Director of Public Health
Director of Public Works
Mayor, City of Los Angeles
Chief Legislative Analyst, City of Los Angeles
Councilman, Los Angeles City Council District 12
City Attorney, City of Los Angeles
General Manager, City of Los Angeles, Environmental Affairs Department

050608_DPH_Sunshine Canyon

ATTACHMENT- 1

JOINT EXERCISE OF POWERS AGREEMENT

**THE COUNTY OF LOS ANGELES AND THE CITY OF LOS ANGELES JOINT SUNSHINE
CANYON LANDFILL LOCAL ENFORCEMENT AGENCY**

MAY 6, 2008

JOINT EXERCISE OF POWERS AGREEMENT

THE COUNTY OF LOS ANGELES AND THE CITY OF LOS ANGELES SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY

THIS JOINT EXERCISE OF POWERS AGREEMENT, dated as of May ___, 2008, is made by and between the County of Los Angeles and the City of Los Angeles.

WITNESSETH:

WHEREAS, each of the Contracting Parties desires to enter into a joint exercise of powers agreement providing for the creation of a separate entity known as the Sunshine Canyon Landfill Local Enforcement Agency (hereinafter "SCL-LEA"), separate from the Contracting Parties under Articles 1 through 4, Chapter 5, Division 7, Title 1 of the California Government Code (commencing with Section 6500) (the "Act") to establish and maintain a state-certified Local Enforcement Agency (hereinafter "LEA") to locally regulate the combined operation of the Sunshine Canyon Landfill in compliance with state law and regulations;

WHEREAS, the Sunshine Canyon Landfill (hereinafter "SCL") is a real property located at 14747 San Fernando Road, Sylmar, California 91324 and shall be known as "the Property" and is located within both the jurisdictions of the unincorporated area of Los Angeles County and the incorporated area of the City of Los Angeles, as more particularly described in Exhibit A which is attached hereto;

WHEREAS the landfill operator, Allied Waste Industries, operating as Browning Ferris Industries (hereinafter "BFI"), is seeking to operate the SCL as one entity in both jurisdictions and has prepared, submitted and received land use entitlements from both the County of Los Angeles and the City of Los Angeles to do so subject to BFI's compliance with conditions contained within those entitlements;

WHEREAS, BFI operates the SCL within the City under a solid waste facilities permit (hereinafter "SWFP") issued by the City of Los Angeles' LEA, and the SCL within the unincorporated territory of the County under a SWFP issued by the County's LEA;

WHEREAS, BFI desires to operate the SCL under one single SWFP ("Combined SWFP") that would apply to both jurisdictions;

WHEREAS, the Property requires a SWFP issued by a certified LEA with concurrence by the California Integrated Waste Management Board ("CIWMB"), as required by the Integrated Waste Management Act of 1989, as amended, together with attendant regulations (hereinafter "IWMA");

WHEREAS, the Contracting Parties desire to form one single certified SCL-LEA under Public Resources Code (hereinafter "PRC") Sections 44002, *et. seq.*, to receive and process the application, and issue the Combined SWFP;

WHEREAS, the SCL-LEA will permit and inspect the Property and enforce applicable laws and regulations at the Property to protect the public health and the environment;

WHEREAS, the City LEA and County LEA are currently qualified by technical expertise and experience, and shall be sufficiently staffed, including necessary resources, to carry out the activities related to the inspection, permitting, enforcement and complaint investigation of the operations at the SCL;

NOW, THEREFORE, in consideration of the above premises and of the mutual promises herein contained, each of the Contracting Parties does hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01 Definitions. Unless the context otherwise requires, the words and terms defined in this Article shall have the following meanings for the purposes of this Agreement:

“Agreement” means this Joint Exercise of Powers Agreement.

“Board” means the Board of Directors of the Sunshine Canyon Landfill Local Enforcement Agency as described in Section 2.01 of this Agreement.

“CEO” means the Chief Executive Officer of the County.

“Chairperson” means the Chairperson of the Board of Directors of the Sunshine Canyon Landfill Local Enforcement Agency.

“City” means the City of Los Angeles, California, a municipal corporation.

“City LEA Director” means the General Manager of the City of Los Angeles Environmental Affairs Department or his/her designee.

“Contracting Parties” means the County and the City.

“Councilmember” means a member of the City Council for the City.

“County” means the County of Los Angeles, California, a public body corporate and politic and a political subdivision of the State of California.

“County LEA Director” means the Director of the Department of Public Health of the County of Los Angeles or his/her designee.

“County Supervisor” means a member of the Board of Supervisors for the County of Los Angeles

“Directors” means the members of the Board appointed or selected pursuant to Article II of this Agreement.

“Property” means those parcels of real property that comprise the Sunshine Canyon Landfill, which are more particularly described on Exhibit A which is attached to this Agreement.

“State” means the State of California.

ARTICLE II

GENERAL PROVISIONS

Section 2.01 Board of Directors. The SCL-LEA shall be administered by a Board of Directors consisting of five (5) Directors, including a Chairperson. The Director of the Department of Public Health of the County of Los Angeles or his/her designee shall serve as a director for the SCL-LEA. The City of Los Angeles Environmental Affairs Department General Manager or his/her designee shall serve as a second director for the SCL-LEA. The Los Angeles County Board of Supervisors shall appoint a third director. The Los Angeles City Council shall appoint a fourth director. The City LEA Director and the County LEA Director shall mutually nominate a member of the public (hereinafter "Public Director") to be the fifth director subject to unanimous approval by the other directors of the SCL-LEA Board of Directors. The Public Director shall be a registered civil engineer licensed in California with professional experience dealing with public policy, legal/regulatory matters, and environmental issues related to waste disposal and landfill management.

Section 2.02 Terms of Directors. The terms shall be as follows:

- (a) The term of the County LEA Director will be coterminous with such Director's term of office as Director of Public Health of the County or until such time as this Agreement is terminated, whichever occurs first. The term of the City LEA Director will be coterminous with such Director's term of office as General Manager of the City Environmental Affairs Department or until such time as this Agreement is terminated, whichever occurs first. In the case of a vacancy in the office of the County LEA Director or City LEA Director, the person serving as the interim director of the County LEA or the City LEA, respectively, or his/her designee shall serve as a director on the Board of the SCL-LEA (but not as Chairperson of the Board) until such time as the office within the County LEA or the City LEA is filled.
- (b) Appointees of the Board of Supervisors and the City Council will serve for two (2) years, unless removed sooner by their respective appointing agencies, after which time new members may be selected or each current member's appointments may be renewed.
- (c) The first Public Director will serve for two (2) years, after which time a new Public Director may be nominated and voted upon or the current Public Director re-nominated and voted upon.

Section 2.03 Vacancy Provisions

In the case of a vacancy in a membership position on the Board, the vacancy shall be promptly filled by appointment or selection thereto by the same party or parties that made the original appointment or selection.

Section 2.04 Meetings of the Board.

- (a) Regular Meetings. Meetings of the Board may be called by the Chairperson or any two (2) Directors. The Board shall hold at least one regular meeting each year at which time the Board will review and evaluate the activities of the SCL-LEA and resolve any issues agendized for the meeting.
- (b) Special Meetings. Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code or any successor provision thereto.
- (c) Call, Notice and Conduct of Meetings. All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in

accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code) or any successor provision thereto.

Section 2.05 Minutes. The Secretary shall cause minutes to be kept of the Board of Directors' meetings and a copy of the minutes shall be forwarded to each director.

Section 2.06 Voting. Each Director, including the Chairperson, shall have one (1) vote.

Section 2.07 Quorum; Required Votes; Approvals. The presence of four (4) voting Directors shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative votes of four (4) directors shall be required in order for the Board to take any action, unless a greater number is required by law or by this Agreement for any specific action.

Section 2.08 Bylaws. The Board may adopt, from time to time, such bylaws, rules and regulations for the conduct of its meetings as are necessary for the purposes hereof.

Section 2.09 Compensation of Directors:

The SCL-LEA shall pay an allowance of \$75.00 to each director per meeting of the Board that the Director attends. In addition, when required to travel in the performance of his or her duties, each director shall be reimbursed by the SCL-LEA for all necessary travel expenses, including transportation, meals and lodging, in accordance with the then current applicable provisions of Chapter 5.40 of Title 5 of the Los Angeles County Code, as amended from time to time.

ARTICLE III

CHAIRPERSON, DIRECTORS AND OFFICERS

Section 3.01 Chairperson. The initial Chairperson of the Board shall be either the City Environmental Affairs Department General Manager or his/her designee, or the County Director of the Department of Public Health or his/her designee, as determined by a vote of the Board, and shall serve for a period of one (1) year. This position as Chairperson shall alternate between the County Director of Public Health and the City General Manager of Environmental Affairs on an annual basis. The Chairperson shall also perform such other duties as may be imposed by the Board.

Section 3.02 Directors. The Directors of the Board shall perform the duties normal to said position, including but not limited to the promulgation and adoption of bylaws, rules, regulations, policies and practices of the SCL-LEA.

Section 3.03 Secretary. The Secretary shall be the City or County LEA Director who is not serving as Chairperson. The Secretary shall maintain and distribute the meeting minutes of the Board and shall cause a copy of this Agreement to be filed with the Secretary of State pursuant to Section 6503.5 of the Government Code.

Section 3.04 Auditor-Controller and Treasurer. The Los Angeles County Auditor-Controller and County Treasurer are hereby designated as the Auditor-Controller and Treasurer of the SCL-LEA. The County Auditor-Controller and Treasurer shall assure strict accountability of all funds and reporting of all receipts and disbursements of the SCL-LEA. The SCL-LEA budget shall include reimbursement of costs incurred by the Auditor-Controller and the County Treasurer.

ARTICLE IV

DUTIES AND POWERS

Section 4.01 General Duties. The SCL-LEA shall be responsible for permitting, on-going regulation, closure and post-closure and enforcement of applicable laws and regulations under the IWMA, the PRC, and State Minimum Standards with regard to the Property, including to perform all functions of an LEA pursuant to the IWMA and the regulations of the CIWMB in a manner consistent with an Enforcement Program Plan substantially in the form attached hereto as Exhibit B (the "EPP"). Notwithstanding the foregoing, the EPP shall meet the requirements of 14 CCR 18077, which requires approval by the CIWMB. .

Section 4.02 General Powers. The SCL-LEA shall exercise in the manner herein provided any of the powers that are common between the Contracting Parties and necessary for the accomplishment of the purposes of this Agreement.

Section 4.03 Additional Powers. The SCL-LEA shall have all powers provided in Joint Exercise of Powers Act (Government Code sections 6500, *et seq.*), powers provided to a certified Local Enforcement Agency IWMA and any other applicable law now in effect or hereafter enacted.

Section 4.04 Manner of Exercising Power. The powers of the SCL-LEA shall be exercised in the manner provided in the Joint Exercise of Powers Act and those additional powers set forth herein. The SCL-LEA shall be subject to the restrictions upon the manner of exercising power of the County of Los Angeles (Government Code section 6509).

Section 4.05 Obligations of SCL-LEA. The liabilities and obligations of the SCL-LEA shall not be deemed liabilities or obligations of either of the Contracting Parties.

Section 4.06 Separate Entity and Insurance. The SCL-LEA is a separate legal entity from each of the Contracting Parties. The SCL-LEA may procure general liability insurance, pollution liability insurance and other forms of insurance, as the Board shall approve.

ARTICLE V

CONTRIBUTIONS, ACCOUNTS, FUNDS AND REVENUE PARTICIPATION

Section 5.01 Contributions. The Contracting Parties may: (a) make contributions from their treasuries for the purposes set forth herein; (b) make payments of public funds to defray the cost of such purposes; (c) make advances of public funds for such purposes, such advances to be repaid as provided herein; or (d) use their respective personnel, equipment or property in lieu of other contributions or advances.

Section 5.02 Funds. Subject to the applicable provisions of any instrument or agreement into which the SCL-LEA may enter that otherwise may provide for a trustee to receive, have custody of and disburse SCL-LEA funds, the Treasurer of the SCL-LEA shall receive, have custody of and disburse SCL-LEA funds as nearly as possible in accordance with generally accepted accounting practices, and shall make the disbursements required by this Agreement or to carry out any of the provisions or purposes of this Agreement. Any and all funds designated for the operation of the SCL-LEA, shall be maintained by the Auditor-Controller and Treasurer in an interest bearing trust account or fund.

Section 5.03 Personnel and Equipment. The Contracting Parties may agree to provide, at the discretion of their respective governing bodies, personnel and equipment at their own cost and expense, to carry out any of the provisions or purposes of this Agreement.

Section 5.04 Audits and Reports. For any given quarterly period of the SCL-LEA's fiscal year the Auditor-Controller of the SCL-LEA will render an accounting of expenses and revenues related to the Annual Budget (Section 5.06) and Recovery of Costs (Section 5.07) to the Contracting Parties. The Auditor-Controller shall make or contract for an annual audit of the accounts and records of the SCL-LEA.

Section 5.05 Inspection of Records. At any time during normal business hours and as often as any of the Contracting Parties deem necessary, the SCL-LEA shall make available to the Contracting Party(ies) for examination, at reasonable locations within the City of Los Angeles, all of the data and records with respect to the SCL-LEA and all matters covered by this Agreement.

Section 5.06 Annual Budget. The SCL-LEA will establish an annual budget, independent from the budgets of the City and County, reflecting all operating costs incurred by the SCL-LEA, including but not limited to staff, equipment, specialized contracts, legal services, accounting and audit responsibilities, treasury services, and public outreach related to regulatory compliance of the SCL.

Section 5.07 Recovery of Costs. The SCL-LEA will invoice the operator of the property for full recovery of all costs incurred by the SCL-LEA.

ARTICLE VI

TERM

Section 6.01 Term. This Agreement shall become effective on the date that this Agreement has been approved by both Contracting Parties, and shall continue until the later of thirty (30) years after the certified closing of the SCL unless otherwise extended or terminated by the Contracting Parties in accordance with Section 6.02 of this Agreement. At the conclusion of the term of this Agreement under the foregoing provision, the contracting parties will jointly evaluate the further need for a local enforcement agency to continue to regulate the SCL and shall consider extending this Agreement for said purpose.

Section 6.02 Termination. This Agreement may be terminated only by written notice from one of the Contracting Parties to the other Contracting Party, and with notification to the CIWMB, with a minimum of 180 days prior notice. In the event that the SCL-LEA has outstanding debts, liabilities or obligations, such debts, liabilities or obligations must be satisfied or provided for prior to termination of this Agreement.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 7.01 Notices. Whenever a notice is required under this Agreement, such notice shall be in writing and shall be deposited in the United States Mail to the addresses specified below, unless a change of address notice has been provided to the Contracting parties and those entitled to copies, as initially listed below. Notice shall be legally effective 48 hours after deposit. Any change of address shall be given in writing in accordance with this Section.

County of Los Angeles
Executive Officer/Clerk of the Board of Supervisors
Room 383
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Sachi Hamai

County of Los Angeles
Third Supervisorial District
Eighth Floor
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Alisa Katz, Chief Deputy

County of Los Angeles
Fifth Supervisorial District
Eighth Floor
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Kathryn Barger, Chief Deputy

County of Los Angeles
Chief Executive Officer
Room 713
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Attn: Lari Sheehan, Deputy Chief Executive Officer

Office of the Mayor
City of Los Angeles
200 North Spring Street, Suite
Los Angeles, CA 90012
Attn: Nancy Sutley, Deputy Mayor for Energy and the Environment

Los Angeles City Council
Council District 12
200 North Spring Street Suite 405
Los Angeles, CA 90012
Attn: Councilmember Greig Smith

With copies to:

City of Los Angeles
City Hall, Room 255
200 North Spring Street
Los Angeles, California
Attn: Chief Legislative Analyst

Los Angeles City Attorney's Office
200 North Main Street Mail Stop 140
Los Angeles, CA 90012
Attn: Keith Pritsker

Office of the County Counsel
County of Los Angeles
500 West Temple Street
Los Angeles, CA 90012
Attn: Frederick Pfaeffle

City of Los Angeles Environmental Affairs Department
Local Enforcement Agency
200 North Spring Street Room 1905
Los Angeles, CA 90012
Attn: Wayne Tsuda, Director

County of Los Angeles
Department of Public Health
Environmental Health
Local Enforcement Agency
5050 Commerce Drive
Baldwin Park, CA 91706
Attn: Iris Aguirre, Chief, R.E.H.S.

Browning Ferris Industries
Sunshine Canyon Landfill
14747 San Fernando Road
Sylmar, CA 91324
Attn: Dave Hauser, General Manager

Section 7.02 Section Headings. All section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing the language in the section referred to or defining or limiting the scope of any provision of this Agreement.

Section 7.03 Consent. Whenever in this Agreement any consent or approval is required it shall be made in writing.

Section 7.04 Law Governing. This Agreement is made in the State of California under the constitution and laws of the State of California and is to be so construed and interpreted in accordance with the laws of the State of California. Any legal disputes arising from or related to this Agreement shall be resolved in the State of California by an administrative or judicial body.

Section 7.05 Amendments. This Agreement may be amended at any time, or from time to time, by written agreement executed by the Contracting Parties.

Section 7.06 Enforcement by SCL-LEA. The SCL-LEA is hereby authorized to take any or all legal or equitable actions, including but not limited to injunction and specific performance, necessary or permitted by State law.

Section 7.07 Severability. Should any part, term or provision of this Agreement be deemed by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby and shall remain in full force and effect.

Section 7.08 Waiver. Neither the failure nor the delay by any party hereto in exercising any right, power or privilege will operate as a waiver of such right, power or privilege, and no single or partial exercise of any such right, power or privilege will preclude any other or further exercise of such right, power or privilege.

Section 7.09 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute one and the same Agreement.

Section 7.10 Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of each of the Contracting Parties, respectively. No Contracting Party may assign any right or obligation hereunder without the written consent of the other Contracting Party.

Section 7.11 Privileges and Immunities. All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits that apply to the activities of officers, agents or employees of the Contracting Parties when performing their respective functions within the territorial limits of their respective public agencies, shall apply to all persons performing their respective functions and duties on behalf the of the SCL-LEA to the same degree and extent while engaged in the performance of any of the functions and duties of such officers, agents or employees extraterritorially under this Agreement.

Section 7.12 Fiscal Year. The fiscal year of the SCL-LEA, unless and until changed by the SCL-LEA, shall commence on the 1st day of July of each year and shall end on the 30th day of June of the next succeeding year.

Section 7.13 Legal Services. The County Counsel and the City Attorney shall be and act as attorneys for the SCL-LEA. In the event both are precluded from acting because of a conflict of interest or other legal impediment, the SCL-LEA may contract to employ independent counsel to advise and/or represent the SCL-LEA and the costs of independent counsel shall be incurred by the SCL-LEA. Any such costs thereof shall be recovered from funding established for this purpose under Section 5.06.

Section 7.14 Further Assurances. The Contracting Parties agree, promptly upon request, to furnish, execute and deliver to each other all such further information, and to perform or refrain from performing all such actions, as the requesting Contracting Parties may reasonably request for the purpose of carrying out the intent of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their authorized officers and their official seals to be affixed hereto as of the date first herein above written.

County of Los Angeles



Jonathan E. Fielding, M.D., M.P.H.
~~for~~ Director and Health Officer
Department of Public Health

Date: 9-24-08

City of Los Angeles

Dietrich B. Allen, General Manager
Environmental Affairs Department

Date: _____

APPROVED AS TO FORM:

Raymond G. Fortner, Jr.
County Counsel

By _____
Frederick Pfaeffle
Deputy County Counsel

Date: _____

APPROVED AS TO FORM AND CONTENT:

Rockard J. Delgadillo
City Attorney

By _____
Keith W. Pritsker
Deputy City Attorney

Date: _____

[Signatures continue on next page]

ATTEST:

Executive Officer/Clerk of the Board of Supervisors

By _____

Date: _____

City Clerk

By _____

Date: _____

RESOLUTION

WHEREAS, the City of Los Angeles and the County of Los Angeles have entered into a Joint Exercise of Powers Agreement for the creation and operation of the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA); and

WHEREAS, the Board of Supervisors of the County of Los Angeles desires under Sections 43202 and 43203 (d) of the California Public Resources Code to designate the SCL-LEA to carry out the provisions of the California Integrated Waste Management Act of 1989 at the Sunshine Canyon Landfill (SCL) ; and

WHEREAS, the Board of Supervisors desires to withdraw the designation of the Los Angeles County Local Enforcement Agency as the Local Enforcement Agency (LEA) for the SCL upon the certification by the California Integrated Waste Management Board (CIWMB) becoming effective for the SCL-LEA under California Public Resources Code Section 43200 et. seq. and related regulations; and

WHEREAS, the SCL-LEA possesses the required capabilities to implement the provisions of the California Integrated Waste Management Act of 1989 and the regulations that have been and will be adopted pursuant thereto; and

WHEREAS, the SCL-LEA has the technical expertise, adequate staff resources, adequate budget resources and training to carry out the enforcement program specified by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Los Angeles designates the SCL-LEA as the LEA for the SCL for all certification types set forth in 14 CCR 18071.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Los Angeles withdraws the designation of the Los Angeles County Local Enforcement Agency, as enforcement agency for the SCL under Public Resources Code Section 43206, upon the certification by the CIWMB becoming effective for the SCL-LEA under California Public Resources Code Section 43200 et. seq. and related regulations.



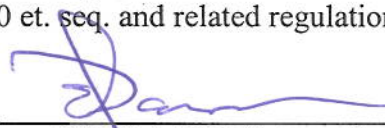
Jonathan E. Freedman, Acting Chief Deputy
Department of Public Health

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
COUNTY COUNSEL

By

Deputy



SACHIN A. HAMAI, Executive Officer
of the Board of Supervisors
County of Los Angeles
Deputy



EXHIBIT A
DESCRIPTION OF THE PROPERTY

Sunshine Canyon Landfill is a real property located at 14747 San Fernando Road, Sylmar, California 91324. The Sunshine Canyon Landfill is located at the border between the City of Los Angeles and the unincorporated territory of Los Angeles County, to the West of the intersection of the Golden State (I-5) and the Antelope Valley (R-14) Freeways. Sunshine Canyon Landfill is contained within portions of Section 23, 24, 25, and 26, Township 33 North (T3N), Range 16 West (R16W) of the San Bernardino Base and Meridian and is centered at latitude 34 degrees 19 minutes and 45 seconds North, and longitude 118 degrees 30 minutes and 48 seconds West.

EXHIBIT B
ENFORCEMENT PROGRAM PLAN
FOR THE SUNSHINE CANYON LOCAL ENFORCEMENT AGENCY

Exhibit B

Sunshine Canyon Landfill – Local Enforcement Agency

Enforcement
Program
Plan

April 22, 2008

Section 1.0

Certification Letter

Section 2.0

Designation Information

Section 3.0

Program Goals and Objectives

- 3.1 PROGRAM GOALS
- 3.2 PROGRAM OBJECTIVES
- 3.3 COMPLIANCE WITH APPLICABLE STANDARDS
- 3.4 PROGRAM QUALITY ASSURANCE

Section 3.0

PROGRAM GOALS AND OBJECTIVES

3.1 PROGRAM GOALS

The goal of the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) program is to ensure that all solid waste facilities are properly established, operated and managed in a manner that protects the public health, the environment, and maximizes the safety of workers, the public, and agency personnel.

Examples of public health, environmental protection and safety impacts to be controlled in whole or in part by the SCL-LEA are listed below:

- Spread of illness or injury through contamination of air, water and disease carrying vectors.
- Propagation of vectors.
- Contamination of groundwater and surface water.
- Control of hazardous materials in the waste stream.
- Control of nuisances such as dust, odor, litter, noise, and visual or aesthetic degradation.
- Air quality impacts due to dust, mists, vapors or offsite migration of gases.
- Control of etiological agents.
- Solid waste operator and inspection personnel safety and health
- Preservation of natural resources including wildlife and natural vegetation
- Facility emergency contingency planning, preparedness and response.

The SCL-LEA program will pursue a policy of regulatory compliance at Sunshine Canyon Landfill through programs that stress education, voluntary compliance and enforcement.

The SCL-LEA program will provide outreach and facilitation for the resolution of community-based issues involving Sunshine Canyon Landfill.

The SCL-LEA program will respond to citizen's complaints and will make the timely resolution of issues within the jurisdiction of the SCL-LEA a priority.

The SCL-LEA program will provide leadership in coordinating multi-agency, multi-jurisdictional issues at Sunshine Canyon Landfill.

The SCL-LEA program will emphasize a cross-media, coordinated systems approach to all environmental issues concerning solid waste activities at Sunshine Canyon Landfill. The purpose of this cross-media approach is to ensure that the operator, the public, and

involved agencies are fully informed and aware of environmental issues at Sunshine Canyon Landfill, and that all parties will have sufficient notice provided so that they will have timely input in the decision making processes at Sunshine Canyon Landfill. This cross-media approach will include email, internet postings and web sites, postal mail, and notices posted at the facility and at public venues local to the facility (such as libraries and schools).

3.2 OBJECTIVES

The objectives of the SCL-LEA program are to assure compliance with federal, state and local ordinances and regulations by means of periodic inspections, audits, and operational reviews.

1. The SCL-LEA program will obtain and maintain designation and certification by the California Integrated Waste Management Board.
2. The SCL-LEA program will maintain operations within acceptable parameters as determined by standards and California Integrated Waste Management Board Programs reviews.
3. The SCL-LEA program will routinely inspect the Sunshine Canyon Landfill in compliance with the Enforcement Program Plan approved by the California Integrated Waste Management Board.
4. Facility inspections will be conducted by trained professional staff whose training meets or exceeds the requirements for technical expertise as established by the state law. Inspections are to be conducted in a manner which emphasizes compliance with state regulations, and integrity, responsibility, cooperation, and diligence in establishing good working relationships with facility operators and the public.
5. Staff training will be conducted to provide SCL-LEA personnel with sufficient job knowledge to implement the CIWMB guidelines and enforcement procedures, as well as the local land use and permit conditions placed upon the landfill.
6. The SCL-LEA training program will develop effective on-the-job-training which will be established to provide employees with sufficient job knowledge to implement the CIWMB, City, and County of Los Angeles guidelines and enforcement procedures.
7. The SCL-LEA program will establish a system for solid waste and environmental information retrieval and dissemination for facility operators, program staff, and the public.

8. The SCL-LEA program will establish an efficient permitting system consistent with California Integrated Waste Management Board Policy and procedures.
9. The SCL-LEA will establish a procedure to receive and respond to complaints of non-compliance at Sunshine Canyon Landfill, and insure follow-up of all complaints received.
10. The SCL-LEA will establish a system which tracks public complaints and assures investigations of complaints are responded to within 24 hours (except weekends).

3.3 COMPLIANCE WITH APPLICABLE STANDARDS

The Sunshine Canyon Landfill LEA program will enforce all applicable federal, state codes, laws, regulations and standards at the facility. For those conditions observed which are in another agency's jurisdiction and suspected to be problematic a referral will be made to that agency.

3.4 PROGRAM QUALITY ASSURANCE

The Board of Directors of the Sunshine Canyon Landfill LEA Program will ensure that proper program analysis, audits, and oversight are provided. This will be accomplished by a combined use of internal supervision (SCL-LEA Site Managers) and contracts with external resources and expertise to provide a thorough technical and administrative review of the operational function of the enforcement program. The Board of Directors will have the responsibility to assure that all applicable federal, state, regional and local enactments are being enforced.

Quality assurance reviews will consist of a combination of audits, field visits, program reviews and interviews with periodic reports to the Board of Directors, and follow up to assure corrections. Qualified individuals at the supervisory level and staff level of the City LEA and the County LEA will be contracted for to provide this function as deemed necessary by the Board of Directors.

Section 4.0

ENABLING ORDINANCES AND RESOLUTIONS

- 4.1 SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY PROGRAM
- 4.2 JURISDICTION
- 4.3 DECLARATION OF PROGRAM AUTHORITY
- 4.4 CIWMB DESIGNATION, APPROVAL AND CERTIFICATION
- 4.5 PUBLIC RESOURCES CODE AND CALIFORNIA CODE OF REGULATIONS
ENFORCED BY LOCAL ENFORCEMENT AGENCY
- 4.6 LOS ANGELES COUNTY AND LOS ANGELES CITY ORDINANCES ENFORCED
BY SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY

Section 4.0

ENABLING ORDINANCES AND RESOLUTIONS

4.1 SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY PROGRAM

The City of Los Angeles and the County of Los Angeles entered into a Joint Exercise of Powers (JPA) Agreement for the creation of a new local enforcement agency for the creation and operation of the Sunshine Canyon Landfill Local Enforcement Agency (SCL LEA) in the County and City of Los Angeles.

The SCL will focus on the permitting, inspection and enforcement of local and state laws and regulations of the Sunshine Canyon Landfill, which is owned by Allied Waste, operating as Browning Ferris Industries, Incorporated.

A copy of the Joint Exercise of Powers Agreement is provided at the end of this section.

4.2 JURISDICTION

The City of Los Angeles City Council and the County of Los Angeles Board of Supervisors have adopted resolutions to withdraw their respective designation of the City LEA and County LEA as the enforcement agency to oversee the Sunshine Canyon Landfill; and have designated the SCL LEA as the enforcement agency for all certification types including the permitting, inspection and enforcement of regulations of solid waste disposal, materials recovery, recycling, composting, transformation and conversion technology operations which may occur at the Sunshine Canyon Facility.

Copies of the City of Los Angeles resolution and the County of Los Angeles resolution are provided at the end of this section.

4.3 DECLARATION OF PROGRAM AUTHORITY

On March 24, 1992, the City Council of Los Angeles passed a resolution which designated the Department of Environmental Affairs as the Local Enforcement Agency for all CIWMB certification types and withdrew designation of the Bureau of Sanitation and the County Department of Health Services as the Co-LEA. Council File 89-1548S1 contains all records pertaining to this designation. Council File 92-1220 contains all records pertaining to the fee ordinance supporting the LEA programs.

4.4 CIWMB DESIGNATION, APPROVAL AND CERTIFICATION

In May 2008, the City of Los Angeles and the County of Los Angeles completed the Designated Information Package (DIP) for the SCL LEA. Full certification is expected upon Board approval of the completed Enforcement Program Plan (EPP).

4.5 PUBLIC RESOURCES CODE AND CALIFORNIA CODE OF REGULATIONS ENFORCED BY LOCAL ENFORCEMENT AGENCY

For the Sunshine Canyon Landfill located within the City of Los Angeles and the County of Los Angeles, the SCL LEA shall carry out and enforce the provisions of the statutes codified in the Public Resources Code (Division 30) and the promulgated regulations in the California Code of Regulations (Title 14 and Title), and City / County ordinances/codes, as well as the requirements in the County and City land use permit and CEQA requirements that directly relates to the health and safety of the public and the environment as it relates to the design, construction, operation, closure and postclosure maintenance of the landfill.

4.6 LOS ANGELES COUNTY AND LOS ANGELES CITY ORDINANCES ENFORCED BY SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY

The SCL LEA Program shall enforce the Los Angeles Municipal Code Chapter VI Public Works and Property Article 6 Garbage-Refuse Collection Sections and all relevant and appropriate Los Angeles County codes/ordinances related to solid waste. A copy of the most recently revised City of Los Angeles ordinance is provided at the end of this section.

Section 5.0

SOLID WASTE ENACTMENTS

- 5.1 FEDERAL ENACTMENTS ENFORCED
- 5.2 CALIFORNIA STATE ENACTMENTS ENFORCED
- 5.3 LOCAL SOLID WASTE ENACTMENTS ENFORCED
- 5.4 LOCAL SOLID WASTE PLANS

Section 5.0

SOLID WASTE ENACTMENTS

5.1 FEDERAL ENACTMENTS ENFORCED

The federal government has promulgated several laws to address the issue of solid waste management. The Resource Conservation and Recovery Act of 1976, (RCRA) Subtitle D and its accompanying amendments are the foundation of solid waste legislation and shall be incorporated by reference into this document. Other federal enactments which may be referenced or become the basis of enforcement actions include:

- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)
- SARA Title III Emergency Planning and Community Right-To-Know Act of 1986
- Federal Clean Air Act
- Federal Clean Water Act
- Toxic Substances Control Act
- 40 CFR Parts 257 and 258, Solid Waste Disposal Facility Criteria; Final Rule, Federal Register, October 9, 1991

5.2 CALIFORNIA STATE ENACTMENTS ENFORCED

California State has enacted many laws which can effect the lawful management of solid waste facilities. The Integrated Solid Waste Management Act of 1989 and its subsequent amendments provide the framework for management of solid waste facilities in the State. Associated enactments which shall be enforced by the LEA include:

- Public Resources Code, Division 30 and 31
- Government Code, Section 66796.22
- Health and Safety Code, Division 5, Part 2
- Title 14, California Code of Regulations
- Title 27, California Code of Regulations,

Title 14 Sections were impacted by AB 1220 Rulemaking and many of the regulations have been renumbered and moved to a different section of the code (Title 27). A California Integrated Waste Management Board document titled "Cross Reference Table for Title 14 Sections Affected by AB 1220 Rulemaking" is included in the Attachments to this chapter of the Enforcement Program Plan. This cross-reference table is also available on the Web site of the California Integrated Waste Management Board (ciwmb.ca.gov)

Other state enactments which may be referenced or become the basis of enforcement actions include:

- Hazardous Waste Control Law
- Calderon Bill AB 3525/3374
- Eastin Bill AB 2448 et. al
- Proposition 65 Safe Drinking Water and Toxic Enforcement Act of 1986
- California Clean Air Act
- Porter-Cologne Water Quality Control Act
- California Vehicle Code
- California Safe Drinking Water Act
- Hazardous Substances Account Act

5.3 LOCAL SOLID WASTE ENACTMENTS ENFORCED

The City of Los Angeles and the County of Los Angeles, has enacted solid waste facility regulations which may be found in their respective City and County Codes. The City and the County of Los Angeles have agreed that when ordinances and other requirements differ, the most stringent interpretation shall prevail. This provision is agreed to in the Memorandum of Understanding / Agreement that the City and County have entered into.

In addition, both the City of Los Angeles and the County of Los Angeles have utilized the conditional land use permit and CEQA mitigation requirements to ensure the safe design, construction, operation, closure, and postclosure maintenance of the landfill, and the SCL LEA are required to enforce those provisions land use permit that directly impact the health and safety of the public and the environment.

5.4 LOCAL SOLID WASTE PLANS

The City and County of Los Angeles have various planning documents which are currently being completed and that are completed which relate to the development, siting, and implementation of solid waste diversion and disposal programs. These documents will be utilized by the LEA as the basis for planning the current and future LEA resource requirements to ensure public health and safety and environmental compliance. The following plans will be referenced:

- City of Los Angeles Solid Waste Management Plan
- City of Los Angeles AB 939 Source Reduction and Recycling Element
- City of Los Angeles AB 939 Solid Waste Generation Study
- City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act December 1989
- City of Los Angeles Non-Disposal Facility Element (AB 3001)
- City of Los Angeles Household Hazardous Waste Element

- Los Angeles Countywide Integrated Waste Management Plan
- County of Los Angeles AB 939 Plan
- County of Los Angeles Solid Waste Management Plan
- Los Angeles County AB 939 Siting Element
- County of Los Angeles AB 939 Summary Plan
- County of Los Angeles Non-Disposal Facility Element
- City of Los Angeles AB 939 Annual Reports (1995 et seq.)

Section 6.0

FACILITY AND VEHICLE TYPE LIST

6.1 FACILITY DESCRIPTION

Section 6.0

FACILITY LIST

6.1 FACILITY DESCRIPTION

The Sunshine Canyon Landfill is a refuse disposal facility located at 14747 San Fernando Road, Sylmar, California 91324 (the "Landfill"), and is further described by the following;

Sunshine Canyon Landfill is a real property located at 14747 San Fernando Road, Sylmar, California 91324. The Sunshine Canyon Landfill is located at the border between the City of Los Angeles and the unincorporated territory of Los Angeles County, to the West of the intersection of the Golden State (I-5) and the Antelope Valley (R-14) Freeways. Sunshine Canyon Landfill is contained within portions of Section 23, 24, 25, and 26, Township 33 North (T3N), Range 16 West (R16W) of the San Bernardino Base and Meridian and is centered at latitude 34 degrees 19 minutes and 45 seconds North, and longitude 118 degrees 30 minutes and 48 seconds West.



Section 7.0

TIME TASK ANALYSIS

7.1 TIME TASK ANALYSIS

- 7.1.1 Inspection
- 7.1.2 Enforcement
- 7.1.3 Permit Activities
- 7.1.4 Corrective Action
- 7.1.5 Administration
- 7.1.6 Staff Training
- 7.1.7 LEA Certification

7.2 SOURCES OF INFORMATION

Section 7.0
TIME TASK ANALYSIS

7.1 TIME TASK ANALYSIS

SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY TIME TASK ANALYSIS (Annual)				
No	Task Description	Estimated Labor Hours	Full Time Equivalents	Percent of Total Budgeted Time
1	Facility Inspections	8,760	4.76	80.0%
2	Enforcement Activities	100	0.05	0.9%
3	Permitting Activities	200	0.11	1.8%
4	Corrective Action	100	0.05	0.9%
5	Training / Workshops	40	0.02	0.4%
6	Other (LEA Roundtable, Public Meetings, Rulemaking, etc.)	80	0.04	0.7%
7	LEA Certification	80	0.04	0.7%
8	Administration	160	0.09	1.5%
9	Contingency (15% of above)	1,428	0.78	13.0%
	Total	10,948	5.95	100%
Note: Full Time Equivalent is equal to 1840 labor hours per year				30-Dec-07

The guidelines used to create the time task analysis are based on a full time equivalent (FTE) is based on 1840 hours per year.

7.1.1 Inspection

Inspectional time consists of the time spent researching and learning the operation of the facilities including familiarizing themselves with the site history and past enforcement activity, the inspections of the facilities and time spent traveling to the facilities. An analysis will be performed after each inspection along with conducting exit interview with the operator of the facility. All inspectional activities will be documented including a written report of inspection activities which may include photo documentation.

7.1.2 Enforcement Time

Enforcement Time is the time spent in getting a facility that is in violation to comply with current requirements. This will consist of issuing warnings and notices, formal meetings with facility operators, hearings and other necessary legal procedures to ensure compliance with the regulations. All enforcement activities time will be tracked by facility type.

7.1.3 Permit Activities

Permit Activities consists of the reviewing and modifying of existing Solid Waste Facilities Permits and their Closure/Post-Closure activities. Review of materials and information provided by the permit applicant and requesting further information as needed. This will also cover the application and plan reviews, site evaluations and investigations. All permit activities time will be tracked by facility type.

7.1.4 Corrective Action

Corrective Action consists of review and approval of site investigations, follow up investigations, assessments, characterizations, meetings, remediation alternatives and necessary corrective measures.

7.1.5 Administration Time

Administration time includes the management of the SCL LEA program, supervision of staff, and other SCL LEA administration duties. A component of the SCL LEA program will be a detailed project tracking system. This will allow for a detail time task analysis after the first year of operations. The staff will be required to keep a timesheet with a breakdown of their daily activities.

Administration time also includes the administrative meetings and Board of Directors meetings of the SCL LEA, and the time needed to brief City of Los Angeles City Council and the County of Los Angeles Board of Supervisors.

7.1.6 Staff Training

Staff Training will consist of in-house sessions, outside education and seminars and on-job training. Training will cover solid waste regulations, permit processing, health and safety along with inspection, monitoring, and enforcement procedures.

7.1.7 LEA Certification

LEA Certification is the time spent in preparing and receiving the yearly LEA certification updates required by the CIWMB. This will include accompanying the State inspectors on facility inspections, preparation of reports, review and response to final report. This task also includes preparing the EPP updates to keep the document current with the activities and policies of the SCL LEA.

7.2 SOURCES OF INFORMATION

The estimated time for each task are derived from the existing budgets and experience of the County of Los Angeles LEA and from the City of Los Angeles LEA. The Time Task Analysis also reflects the inspectional requirements reflected in the the County of Los Angeles and the City of Los Angeles Conditional Use Permits.

Section 8.0

STAFF TECHNICAL EXPERTISE

- 8.1 SCL-LEA PROGRAM STAFFING POLICY AND OBJECTIVES
- 8.2 DESCRIPTION OF PROGRAM STAFF RESPONSIBILITY AND TECHNICAL EXPERTISE
 - 8.2.1 SCL-LEA Program Director(s)
 - 8.2.2 SCL-LEA Program Supervisor
 - 8.2.3 Industrial Hygienist
 - 8.2.4 SCL-LEA Facility Inspectors
- 8.3 DESCRIPTION OF SCL-LEA PROGRAM CONTRACTORS
 - 8.3.1 Solid Waste Management
 - 8.3.2 CEQA, Geotechnical, Civil, and Environmental Engineering__
 - 8.3.3 Other Technical Support
- 8.4 SCL-LEA PROGRAM STAFF RESUMES
 - 8.4.1 SCL-LEA Permanent Program Staff Hiring
 - 8.4.2 Program Staff

SECTION 8.0 STAFF TECHNICAL EXPERTISE

8.1 SCL-LEA PROGRAM STAFFING POLICY AND OBJECTIVES

The Sunshine Canyon Landfill Local Enforcement Agency (SLC-LEA) program shall, at all times, strive to utilize individuals of the highest professional competency with respect to knowledge and experience in the field of public health and safety, environmental protection, and regulatory affairs. Additionally, the program shall endeavor to meet the City and County's hiring goals and policies in affirmative action and equal opportunity.

In the event that specific technical competence is needed by the program and existing staff members cannot be utilized due to lack of qualification or experienced, the program shall seek assistance from other agencies, or maintain contracts with qualified firms or individuals to provide the needed expertise for the program. It shall be the responsibility of program management to assure that no conflict of interest exists between a contract vendor and the regulated entity, the City or County of Los Angeles.

8.2 DESCRIPTION OF PROGRAM STAFF RESPONSIBILITY AND TECHNICAL EXPERTISE

8.2.1 SCL-LEA Board of Directors

The Sunshine Canyon Landfill Local Enforcement Agency shall be administered by a Board of Directors consisting of five (5) Directors. The County of Los Angeles Public Health Director or his/her designee shall serve as one director for the Sunshine Canyon Landfill Local Enforcement Agency. The City of Los Angeles Environmental Affairs Manager or his/her designee shall serve as the second director for the Sunshine Canyon Landfill Local Enforcement Agency. The Los Angeles Board of Supervisors shall appoint a third director. The Los Angeles City Council shall appoint a fourth director. The City LEA Director and the County LEA Director shall mutually nominate a member of the public (hereinafter "Public Director") to be the fifth director subject to unanimous approval by the other directors of the SCL-LEA Board of Directors. The Public Director representing the public should have extensive experience with dealing with public policy, legal/regulatory, and environmental justice issues.

Meetings of the Board may be called by the Chairperson or any two (2) Directors. The Board shall hold at least one regular meeting each year at which time the Board will review and evaluate the activities of the SCL-LEA and resolve any issues agendized for the meeting.

8.2.2 SCL-LEA Program Manager

The SCL-LEA Program Manager will be the single point of contact for all agencies, City or County staff, the operator and/or the public. The Manager will provide supervision and assistance to program subordinates in the areas of conducting inspections, permitting and enforcement; review field inspection activities and recommend changes to management for improvement; clarify SCL-LEA program and California Integrated Waste Management Board policies for staff; oversee all permitting activity for new and existing permittees; provide staff training as determined by program management; oversees the maintenance of all facility record keeping systems. The City and County LEA inspectional staff will report to their respective supervisors, who will report to the SCL-LEA Program Manager.

The SCL-LEA Program Manager will be responsible for general regulatory oversight of the site. Duties would include providing and/or maintaining the following:

1. LEA Certification
2. Annual Updates of Enforcement Program Plan
3. Permitting and five-year Permit Reviews
4. Inspection Oversight and Regulatory Enforcement
5. Administrative reviews
6. Public relations
7. Community meetings facilitation
8. Closure and post-closure planning and activities
9. Financial Planning and Budgeting
10. Coordination of staff training
11. Reporting to the Board of Directors, CIWMB, City Council, or County Supervisors
12. Public participation
13. Coordinating and organizing the Independent Hearing Panel procedures and hearings

The SCL-LEA Program Manager must have a good understanding of the principles and practices of solid waste facility operations management, including aspects of solid waste permitting, regulatory requirements of landfills, transfer facilities, materials recovery facilities, green waste processing facilities, and composting operations; inspection and enforcement procedures; supervision of inspectional and enforcement staff; familiarity with operational procedures of the City, County and State prosecutorial agencies; familiarity with regional, state and federal solid waste and environmental protection organizations; public health and safety issues concerning solid waste facilities and SCL-LEA program staff.

The Manager will be an appropriately trained and experienced individual selected from either of the City or County LEAs personnel and designated by the Board of Directors. The Manager's responsibility would alternate between the City and County LEA on a schedule approved by the Board of Directors. The Manager or their designee would at a minimum be in the position of the County's Environmental Health Specialist IV or the City's Environmental Specialist III and have at least 5 years experience in the solid waste local enforcement agency.

8.2.3 SCL-LEA Field Inspection Staff

The SCL-LEA Facility Inspectors will conduct inspections, complaint investigations, monitor permit conditions and initiate enforcement actions on all permitted facilities; maintain all facility record keeping systems; observe hazardous waste loadchecks, perform twice-a-day surveys of the surrounding neighborhoods and environs and provide daily enforcement oversight to ensure compliance with State Minimum Standards; attend and complete all required training deemed required by program management; works in compliance with the function and operation of all federal, state, regional and local environmental protection, permitting, and prosecutorial agencies.

The SCL-LEA Facility Inspectors must have a good understanding of the principles and practices of solid waste facility operations management, including aspects of solid waste permitting, regulatory requirements of landfills, transfer facilities, materials recovery facilities, green waste processing facilities, and composting operations; inspection and enforcement procedures; familiarity with operational procedures of the City, County and State prosecutorial agencies; familiarity with regional, state and federal solid waste and environmental protection organizations; public health and safety issues concerning solid waste facilities and SCL-LEA program staff.

Field staff would be retained from the City LEA and County LEA personnel, as both LEAs currently have experienced staff that also hold the public's trust and maintain established relationships with community groups and the site operator. In order to cover the entire operating day at the landfill, an inspector from the City LEA and an inspector from the County LEA will be assigned to the site each day. While assigned to Sunshine Canyon Landfill, the field inspectors will report to the SCL-LEA Program Manager, who would have the ultimate approval responsibility on issuance of violations and other regulatory decisions relating to the combined landfill.

8.2.4 Industrial Hygienist

The Industrial Hygienist will provide expertise to program management in the areas of

health protection of the community, SCL-LEA program personnel and solid waste facility worker personnel; develop and maintain a program injury and illness prevention plan; provide training to program personnel in worker health and safety practices; provide review and comment on injury and illness prevention plans of permitted solid waste facilities; develop, with the assistance of program management, a community health risk communications plan for solid waste facilities; investigation of community and worker complaints regarding solid waste facilities; oversee the specification, purchase, maintenance, training and use of program instrumentation.

The Industrial Hygienist must have a good understanding of the identification, evaluation and control measures of chemical, biological and physical hazards of the working environment; regulations concerning the worker and community protection of hazardous and nuisance conditions including landfill gases, dusts, vapors, mists, and noise; training requirements under Federal OSHA and Cal-OSHA;

8.3 DESCRIPTION OF SCL-LEA PROGRAM CONTRACTORS

Authority will utilize contracts with qualified firms on an as-needed basis to provide technical expertise when determined to be needed by program management. Qualifications of the firms listed below meet or exceed the City of Los Angeles procurement policy for the hiring of contractors.

8.3.1 Solid Waste Management

E. TSENG AND ASSOCIATES

30023 Rainbow Circle Dr. Agoura, CA

Contact: Eugene Tseng

Phone - (818) 889-8628 FAX- (818) 889-5458 etseng@aol.com

This firm has prepared the Sunshine Canyon Landfill Enforcement Program Plan and has assisted in the preparation of the City of Los Angeles' AB 939 Solid Waste Generation Study. This contractor has developed the certificated program in Hazardous Materials Management for the UCLA Extension program and the certificated program for Solid Waste management for the University of California Extension program at both UCLA and for UC Davis. The contractor has more than 35 years of experience in all aspects of the solid waste, hazardous waste, nuclear waste, resource recovery and recycling field.

Dr. Tseng is an Environmental Engineer and licensed California Attorney specializing in Environmental Law. He serves as an Adjunct Professor of Environmental Law at the University of West Los Angeles School of Law. Dr. Tseng has extensive experience with the design and construction of municipal solid waste, hazardous, and radioactive waste disposal and treatment facilities. Dr. Tseng also served on the US E.P.A.'s National Advisory Council for Environmental Policy and Technology and as an advisor

to the United Nations Development Programme / United Nations Environment Programme.

Since 1993, Dr. Tseng has worked extensively with the CIWMB (through a Cal EPA Interagency Research Program with UCLA) on AB 939 related issues, conducting research and conducting numerous workshops on the CIWMB's behalf.

8.3.2 CEQA, Geotechnical, Civil, and Environmental Engineering Support

TETRATECH, INC.
CH2M Hill

The SCL-LEA has access to additional independent engineering and CEQA firms if needed for specialized assistance. These are local and national full service environmental consulting firms with expertise in solid and hazardous waste, CEQA, air quality, clean up of contaminated sites and general environmental management including landfill closure and Subtitle D. These firms will provide independent engineering evaluations on technical issues regarding landfill design and closure on an as needed basis.

8.3.3 Other Technical Support

Los Angeles County Department of Public Works and the City of Los Angeles Building Department will also be providing assistance on an as-needed basis on issues related to methane protection requirements, building and safety requirements related to the any proposed structures to be built at the Sunshine Canyon Landfill.

8.4 LEA PROGRAM STAFF RESUMES

8.4.1 LEA Program Permanent Staff Hiring

This listing describes the staff and their experience. These personnel are utilized by the SCL-LEA to carry out the inspectional and enforcement duties as required.

8.4.2 Program Staff

<u>Staff Experience</u>				
<u>Name</u>	<u>REHS</u>	<u>Job Title</u>	<u>Years in Environmental Health</u>	<u>Years in Solid Waste</u>
Iris Aguirre	X	EHS Chief	32	<1 year
Mark Como	X	EHS III	16 years	5 years
Michael Edenedo	X	EHS III	12 years	12 years
Regina Fee	X	EHS III	16 years	3 years
Hung Vo	X	EHS III	20 years	13 years
Kelvin Kasai		EHS III	9 years	9 years
Nelly Castellanos	X	EHS III	16 years	8 years
Roosevelt Davis III	X	EHS III	16 years	10 years
Daniel J. Shelley		EHS III	10 years	5 years
Ziba Atai	X	EHS III	17 years	17 years
Wayne Tsuda	X	Env. Affairs Officer	32 years	16 years
David Thompson	X	Env. Supervisor II	16 years	16 years
Kim Yapp	X	Env. Supervisor I	18 years	10 years
Martin Rosen		ES III	15 years	15 years
Michael Mercado		ES II	24 years	6 years
David Porter		ES II	2 years	2 years
Ronald Roque		ES II	15 years	5 years
Andy Kao		IH	6 years	6 years

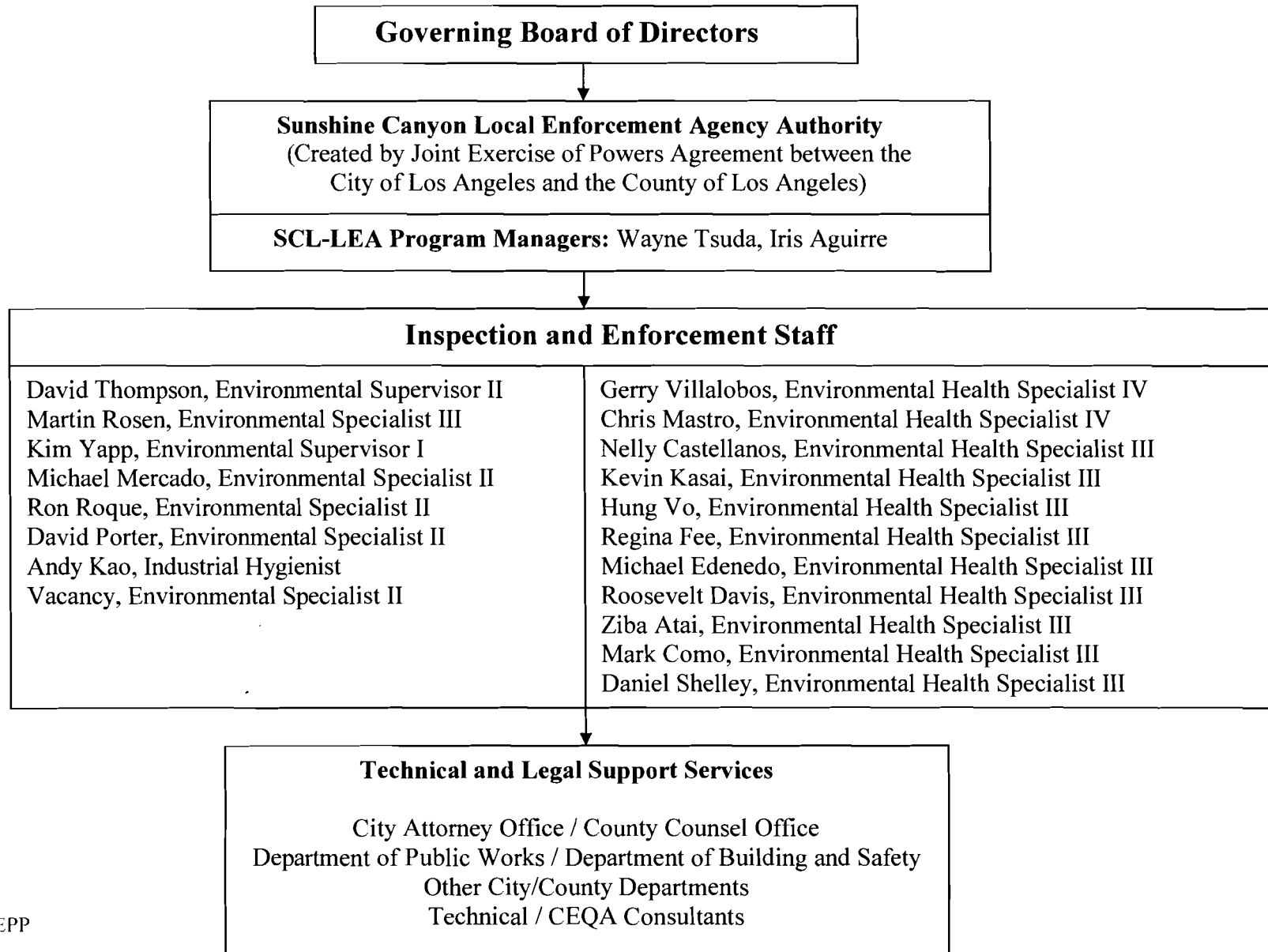
EHS – Environmental Health Specialist (County Job Classification)

ES – Environmental Specialist (City Job Classification)

IH – Industrial Hygienist

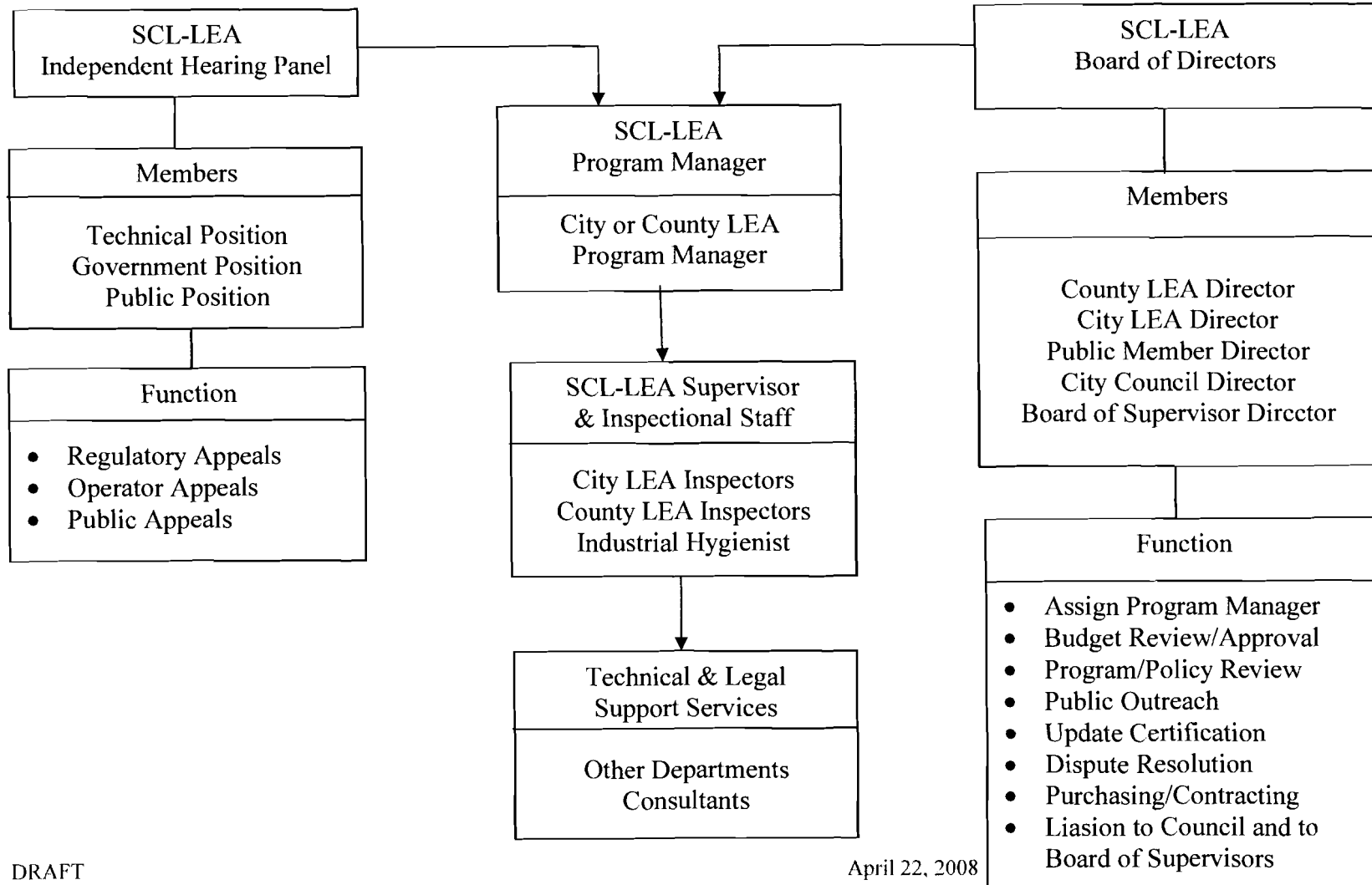
The Manager may request assistance from either LEA and/or their associated consultative services as needed

Sunshine Canyon Landfill Local Enforcement Agency Organization Chart



DRAFT
SCL-LEA EPP

Sunshine Canyon Landfill – Local Enforcement Agency (SCL-LEA) Organization Structure



Section 9.0

OPERATING BUDGET

- 9.1 EXPENDITURES
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CHAPTER 9.0

OPERATING BUDGET

9.1 LEA PROGRAM OPERATING BUDGET

The budget for the SCL-LEA program is established by the Board of Directors of the SCL LEA program. The initial budget was cooperatively developed by the City of Los Angeles LEA and by the County of Los Angeles LEA.

9.1 EXPENDITURES

9.1.1 Staffing

The LEA program will consist of 6 full-time staff positions which are comprised of six inspection and permitting staff including an SCL LEA Program Managers and support for billing operations and general program support (based on the CIWMB calculation of a Full Time Equivalent (FTE) is equal to 1840 labor hours per year).

The distribution of positions is as follows:

SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY TIME TASK ANALYSIS				
No	Task Description	Estimated Labor Hours	Full Time Equivalents	Percent of Total Budgeted Time
1	Facility Inspections	8,760	4.76	80%
2	Enforcement Activities	100	0.05	0.9%
3	Permitting Activities	200	0.11	1.8%
4	Corrective Action	100	0.05	0.9%
5	Training / Workshops	40	0.02	0.4%
6	Other (LEA Roundtable, Public Meetings, Rulemaking, etc.)	80	0.04	0.7%
7	LEA Certification	80	0.04	0.7%

8	Administration	160	0.09	1.5%
9	Contingency (15% of above)	1,428	0.78	13.0%
	Total	10,948	5.95	100%
Note: Full Time Equivalent is equal to 1840 labor hours per year				30-Dec-07

9.1.2 Equipment / Office Supplies

The SCL-LEA program provides all necessary safety and monitoring equipment as utilized by the existing City LEA and the County LEA. The SCL LEA will be increasing the use of digital tools (e.g., digital cameras, GPS units, etc.) to further the capability, efficiency, and effectiveness of the staff. Additional site specific and site dedicated equipment will be purchased on an as needed basis (e.g., gas monitoring equipment, altimeter, bar-hole punch, computers, software, AutoCAD software, printers, scanners, mobile communications equipment, etc.)

9.1.3 Travel

The LEA program has budgeted a total of \$10,000 for travel for each fiscal year to attend California Integrated Waste Management Board meetings and hearings (10 trips @ \$1000), and the balance for unscheduled travel related to the SCL LEA program.

9.1.4 Enforcement

The enforcement costs for the SCL LEA program are provided for in the following ways. Costs associated with investigation are incorporated into the general overhead of the SCL LEA and costs such as City Attorney/County Counsel, and investigator fees are typically not identified unless the demand for such services cannot be absorbed by the Office of the City Attorney. Supplies for enforcement sampling are provided for under operating supplies and expenses account. Equipment used for enforcement work are covered under a separate equipment account.

9.1.5 Technical Support Services

Technical support and laboratory services provided by outside contractors will be funded under a \$50,000 technical services account. The funds will be utilized for engineering services, laboratory services, CEQA consultation, etc.

9.1.6 Transportation

Transportation expense incurred by mileage reimbursement to field staff is provided in a \$10,000 transportation expense account. SCL-LEA has dedicated City/County vehicles are also available to program staff for collection and transport of samples and City/County pool vehicles are available for check out if needed.

9.1.7 Program Administration

Program administration for the SCL LEA program is fully fee supported. A percentage of the City of Los Angeles Environmental Affairs Department's General Manager and Division Director's time is recovered under the fee ordinance. A percentage of the County of Los Angeles Public Health Department's Director and the LEA Chief is recovered under the fee ordinance of the County. The SCL LEA program manager and staff positions are 100% fee supported.

9.2 REVENUE

9.2.1 Projected Budget

The projected budget for the LEA program for fiscal year 2008 - 2009 is approximately \$949,850. This includes all direct and indirect. A detailed breakdown is shown in the following table:

#	Description of Cost Item	Annual Cost (FY 2008 – 2009)
1	Board of Directors Administration Costs	\$ 10,000
2	Program Labor (@\$68 per hour x 10,948 hrs)	\$ 744,464
3	Transportation	\$ 10,000
4	Travel	\$ 10,000
5	Equipment / Supplies	\$ 20,000
6	Contractural and Laboratory Services	\$ 65,000
7	Miscellaneous Expenses (Public Meetings, etc.)	\$ 4,000
8	Contingency (10% of above)	\$ 86,346

	Total Estimated Annual Budget	\$ 949,850

9.2.2 Fee Schedule

Program costs incurred by the City and the County will be reimbursed by the landfill operator to the City and the County through a mechanism that is separate from the Enforcement Program Plan. These costs are assessed on a fee for service basis, on a rate set by the Los Angeles City Council for SCL-LEA staff employed by the City and by the County Auditor-Controller /Treasurer for the SCL LEA staff employed by the County.

Program costs incurred by the SCL-LEA will be reimbursed to the SCL-LEA by the landfill operator as specified in the Sunshine Canyon Joint Exercise of Powers Agreement between the City and the County of Los Angeles and administered by the Los Angeles County Auditor-Controller and Treasurer.

9.3 ADDITIONAL REVENUES

9.3.1 Grants or Contracts

Grants or other appropriations made by the California Integrated Waste Management Board or other agencies will be received and disbursed in conjunction with SCL LEA policy and contract requirements. Grant funds will be kept in a separate fund entitled "SCL LEA Landfill Fund" administered by the Los Angeles County Auditor-Controller and Treasurer per the Sunshine Canyon Joint Exercise of Powers Agreement between the City and the County of Los Angeles.

SECTION 10

STAFF TRAINING PROCEDURES

- 10.1 STAFF TRAINING POLICY, OBJECTIVES AND TIME ALLOCATIONS
 - 10.1.1 Staff Training Policy
 - 10.1.2 Staff Training Objectives
 - 10.1.3 Staff Training Allocations
- 10.2 TRAINING ON THE OVERVIEW OF SOLID WASTE MANAGEMENT
 - 10.2.1 Technical Training Seminars
 - 10.2.2 Solid Waste Management Plans
 - 10.2.3 AB 939 Plans
 - 10.2.4 Facility Visits
- 10.3 SOLID WASTE REGULATIONS
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 - 10.3.5 Other Requirements
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- 10.6 INSPECTION, MONITORING AND ENFORCEMENT PROCEDURES
 - 10.6.1 Inspection and Monitoring Procedures
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- 10.7 COURT PREPARATION AND HEARING MEASURES
 - 10.7.1 Court Preparation Procedures
 - 10.7.2 Hearing Procedures
- 10.8 COMMUNITY WORKSHOP AND COMMUNICATION TRAINING
- 10.9 SPECIFIC TRAINING IN PERFORMANCE STANDARDS

10.10 SCL-LEA ADMINISTRATIVE PROCEDURES

10.1 STAFF TRAINING POLICY, OBJECTIVES AND TIME ALLOCATIONS

The Sunshine Canyon Landfill Local Enforcement Agency seeks to develop a well trained, consistent and thoroughly competent staff of environmental health professionals to carry out the SCL-LEA functions for solid waste collection, disposal, composting and recycling activities.

The Sunshine Canyon Landfill Local Enforcement Agency will develop and implement training and education programs to enable the Sunshine Canyon Landfill Local Enforcement Agency to maintain the LEA Type A, Type B, Type C, and Type D certifications issued by the California Integrated Waste Management Board.

Where much of the SCL-LEA staff proficiency will actually be acquired on the job through the normal course of duty, this section of the Enforcement Program Plan (EPP) presents the training to be provided to the LEA. Additionally, SCL-LEA personnel will also attend joint training and education programs that the local solid waste management industry or companies offer to LEAs.

10.1.1 Staff Training Policy

The SCL-LEA will provide employee training in technical, administrative, and safety procedures necessary that competently and proficiently fulfill the requirements of the job for which the employee was hired. When feasible, the SCL-LEA will also provide employees with supplemental training to enhance their professional capabilities.

10.1.2 Staff Training Objectives

The objectives of the SCL-LEA are to develop an interactive and proficient staff, capable of safely and effectively satisfying the responsibilities of the SCL-LEA. The training program will also provide each employee with opportunities for professional growth and potential advancement. The LEA training and education programs will be designed to provide staff with a broad integrated system approach and understanding to management of municipal solid wastes.

10.1.3 Staff Training Allocations

For the first year, the SCL-LEA program allocates 40 hours per person per year for training activities. For years 2 through 10 of the program, between 40

hours per person per year of staff training is projected. Training will consist of in-house sessions, outside education and seminars, and on-job training, and will be spent on the topics as described in this section.

10.2 TRAINING ON THE OVERVIEW OF SOLID WASTE MANAGEMENT

An introduction to practices of general solid waste management, particularly as they pertain to the Los Angeles City and County area, is imperative as an initial step in the SCL-LEA training process. The following paragraphs describe a few sources, methods, and forums for obtaining this essential information.

10.2.1 Technical Seminars

The LEA staff can be cooperative participants in private and public facility training sessions. Joint industry/regulatory programs are consistent with the cooperative environmental management approach and public/private partnership philosophies being promoted by the US EPA and Cal-EPA.

The CIMWB and SCL-LEA will provide Education and training programs relating to solid waste management to SCL-LEA staff. These programs will focus on recycling, composting, and source reduction technologies, compliance with new regulations, technological and environmental advances in the industry and general practices involving solid waste management. SCL-LEA staff will also attend CIWMB workshops and seminars, as well as other education and training programs frequently sponsored by industry and/or the following organizations:

- Solid Waste Association of North America
- American Public Works Association (APWA)
- United States Environmental Protection Agency (EPA)
- California Integrated Waste Management Board (CIWMB)
- University of California Extension
- American Association of Environmental Professionals
- American Society of Civil Engineers (ACSE)
- South Coast Air Quality Management District (SCAQMD)

Scheduled dates and agendas for these seminars are usually noticed well in advance, and many are free of registration fees. When budgetary and scheduling constraints permit, SCL-LEA staff will be scheduled to attend applicable courses. In addition, the SCL-LEA will regularly conduct in-house training courses for staff, addressing various solid waste topics.

10.2.2 Solid Waste Management Plans

The City and County of Los Angeles have spent considerable time and effort developing and updating a comprehensive solid waste management plan that will guide solid waste management practices into the twenty-first century. The plan is multi-faceted, providing background information, analysis of waste management options, associated economic impacts, and implementation and administration procedures. The SCL-LEA will review Los Angeles City and County solid waste management plans as part of their training. This training will provide a general awareness of Sunshine Canyon Landfill's solid waste management setting.

The County of Los Angeles was required to develop a Countywide Integrated Waste Management Plan, which will address source reduction and recycling, household hazardous waste management, and facility siting. This plan will also be reviewed by the SCL-LEA staff as part of the training program.

10.2.3 AB 939 Plans

In the fall of 1989, Assembly Bill 939 (AB 939), also known as the California Integrated Waste Management Act of 1989, was adopted into California Law. AB 939 required all California cities to develop plans for diverting 25% of all solid wastes normally disposed of through landfilling by 1995, and to divert 50% of all wastes by 2000. In accordance with this act, both the City and the County of Los Angeles have developed AB 939 Plans. As a means for broadening the SCL-LEA understanding of solid waste management and recycling practices, both plans, addressing the following issues, will be reviewed as part of the staff training process:

- Source reduction and recycling, including:
 - Waste characterization and quantification
 - Source reduction
 - Recycling
 - Composting
 - Solid Waste Facility Capacity
 - Education and public information
 - Special waste
- Household Hazardous Waste Element

- Facility Siting
- Non-Disposal Facility Element (NDFE)

10.2.4 Facility Visits

Visits to the various solid waste facilities are an essential element to the SCL-LEA training program. While written descriptions, graphic illustrations, and photographs can provide insight to many aspects of solid waste management practices and facility operation, site visits provide a key breadth of understanding to practices and policies of the SCL-LEA training program. Each employee that has field inspection and/or permitting responsibilities will be guided on a tour of the Sunshine Canyon Facility regulated by, and established within the jurisdiction of the SCL-LEA, including:

- Active and closed SCL-LEA landfill sites
- Small and Large volume transfer stations
- Waste to energy facilities
- Conversion Technology Facilities
- Materials recovery facilities (MRF)
- Intermediate processing facilities (MRF)
- Intermediate processing facilities (for commingled recyclables)
- Collection vehicle storage and maintenance yard
- Multi-material buyback centers
- AB 2020 certified buyback centers
- Mulching facilities
- Vermicultures
- Composting Facilities
 - Green waste composting
 - Co-composting
 - Mixed Waste composting
 - Vermicomposting
- Waste tire storage facilities

Facility selection will be based upon the particular proficiency of operations, diversity in material handling techniques, and compliance with current regulations. In accordance with the facility inspection procedures addressed in Section 12, the training tours will be coordinated in advance with the facility owner and /or operator. Depending upon the potential hazards associated with the facilities, each employee may be required to complete the health and safety training and medical monitoring program prior to visiting the site.

10.3 SOLID WASTE REGULATIONS

Federal, state, regional and local regulations guide and determine many of the solid waste management practices and operational procedures currently being implemented in the City and County of Los Angeles. It is therefore essential that SCL-LEA staff be familiar with the most significant regulations (and associated implementation guidelines) affecting solid waste and recycling operations.

The SCL-LEA training program has been established to educate staff on the contents, applications, and intent of these regulations. Through the program and associated on-job training, the SCL-LEA staff will become proficient with the applicable regulations and codes, as applicable, which are included by reference as part of this document.

10.3.1 Federal Government

Effective on October 9, 1993, all landfills in the nation must comply with the newly adopted 40 CFR Parts 257 and 258, Solid Waste Disposal Facility Criteria, also known as Subtitle D of the Resource Conservation and Recovery Act (RCRA). The Federal Environmental Protection Agency is responsible for assuring compliance with these regulations which address many of the same issues covered by CCR Titles 14 and 23, which are discussed later in this section. Since California preceded the EPA in implementing updated and stringent regulations for landfill siting, operation, and development, it is likely that some form of parity agreement will be reached between the CIWMB, State Water Resources Control Board, and the EPA regarding effective landfill requirements. In the event a conflict of regulations, the more stringent of the conflicting requirements will be followed. The topics addressed by RCRA Subtitle D include:

- Reporting and record keeping requirements for waste disposal activities
- General criteria for municipal solid waste landfills
- Location restrictions
- Operating criteria
- Design Criteria
- Groundwater monitoring and corrective action
- Closure and post-closure care
- Financial assurance criteria

The EPA is also responsible for implementing facility stormwater runoff regulations as part of the National Pollutant Discharge Elimination System

(NPDES) permitting and enforcement program. These responsibilities have been delegated to the Regional Water Quality Control Boards in California, with EPA providing oversight. The General Industrial Stormwater Discharge Permit applicable to the City and County of Los Angeles is included by reference, and will be reviewed as part of SCL-LEA staff training criteria.

In accordance with 29 CFR, the Federal Occupational Health and Safety Administration (OSHA) enforces provisions designed to protect worker safety and health. To maintain compliance with 29 CFR Part 1910.120, SCL-LEA field staff will attend a Hazardous Waste Operations and Emergency Response training program.

10.3.2 State Government

The California Integrated Waste Management Board, in accordance with 14 CCR Division 7, has regulatory oversight responsibility for non-hazardous waste collection, transfer, composting, and disposal operations. Through the CIWMB, the SCL-LEA is the designated LEA. As part of the staff training program, 14 CCR will be reviewed and continually referenced, as it comprises the primary regulations governing both the SCL-LEA duties, as well as solid waste activities in California, addressing the following issues:

- General provisions
- County Solid Waste management plans
- Minimum standard for solid waste handling and disposal, including:
 - Solid waste storage and removal standards
 - Transfer/Processing station standards
 - Disposal site siting, design, operation and control standards
 - Disposal site closure and post-closure standards
- Resource conservation programs
- Enforcement of standards and administration of Permits
 - Designation of an LEA and Independent Hearing Panels
 - Independent Hearing Panel Procedures
 - LEA performance standards, duties and responsibilities
 - Reports of Facility Information
 - Enforcement
- Special waste standards
- Used Oil Recycling Program
- Countywide Integrated Waste Management Plans

10.3.3 Regional Jurisdictions

The Los Angeles Regional Water Quality Control Board (LARWQCB), in accordance with 23 CCR Division 3, Chapter 15 (Chapter 15), is responsible for regulating waste discharges in Los Angeles and Ventura Counties which may impact surface and/or groundwater quality. Chapter 15 addresses the following issues, many of which are also regulated through 14 CCR:

- Waste Classification, Management and Disposal Facility Siting
- Construction Standards
- Water Quality Monitoring
- Closure and Post-Closure Maintenance

The South Coast Air Quality Management District (SCAQMD), in accordance with rules 1150 and 1150.1, is responsible for controlling air pollution emissions from stationary sources and certain transportation-related sources within the Los Angeles, San Bernardino, Orange, and Riverside County areas. Solid waste facilities regulated as stationary sources include landfills, landfill gas flare stations, and air scrubber systems frequently associated with composting and waste transfer/sorting facilities. A Permit to Construct is required for these facilities prior to their operation. In addition, the SCAQMD inspects and monitors solid waste landfills on a regular basis, and responds to any odor complaints it receives.

The County of Los Angeles Department of Public Works, in accordance with 14 CCR Division 7, Chapter 2 has responsibility for administering the Los Angeles County Solid Waste Management Plan (CoSWMP). All proposed solid waste facilities must be in conformance with this plan, or obtain conformance through an amendment, prior to applying for a Solid Waste Facility Permit. Through AB 939, the CoSWMP has been superseded by the requirement for a Countywide Integrated Waste Management Plan, which became effective January 1, 1993.

10.3.4 Local Government

For projects requiring a land use permit from the Los Angeles City and/or County Planning Department, their responsibilities will likely encompass Lead Agency designation with respect to the California Environmental Quality Act (CEQA). The Lead Agency is required to assess the environmental impacts of a proposed project prior to issuance of any discretionary permits. Depending upon the initial study of potential impacts associated with the project, CEQA may be appropriately addressed through an exemption, a negative declaration,

an environmental impact report (EIR), or an environmental impact statement (EIS). The SCL LEA will act as the responsible agency.

Permits from the Public Works/Building and Safety Department are required for construction, grading, and drainage activities necessary to facilitate solid waste operations.

10.3.5 Other Requirements

Additionally, there are numerous regulations and codes that address waste topics associated with, but generally outside the LEA responsibilities. As budgetary and scheduling constraints allow, SCL-LEA staff will receive education and training related to some ancillary environmental topics, which may occasionally be of concern to the SCL-LEA, potentially including:

- Hazardous waste management, transportation, treatment and disposal
- Asbestos abatement, handling, and disposal
- Medical waste handling, treatment, and disposal
- Sewage sludge treatment, land application or incineration
- Industrial waste pits, ponds and lagoons
- Recycled content procurement preferences
- Advanced disposal fees

If additional information is required regarding any of these waste issues, appropriate contact personnel can be identified by consulting the current "Community Guide to Environmental Services", which is incorporated by reference, and produced by the City of Los Angeles Environmental Affairs Department.

10.4 PERMITTING PROCESS

A Solid Waste Facilities Permit (SWFP) is required prior to operation of any of the following facilities:

- Landfill Disposal/Collection Site
- Composting Facility
- Waste Transfer/Processing Station
- Waste Transformation Facility

As new/additional regulations for permitting are developed by the Board, the SCL-LEA will review the new requirements and incorporate them into the EPP and the SCL-LEA procedure manual.

10.4.1 Evaluation of Permit Applications

The development of SWFPs is an integral part of SCL-LEA responsibilities, and as such, staff will be trained to review and evaluate permit application submittals. Initially, the completeness, or responsiveness of a permit application must be ascertained.

If applicable to the particular facility, a permit from the State Department of Toxic Substance Control (DTSC) would be necessary in order to handle hazardous wastes, and if wetlands will be impacted, appropriate permitting under Section 404 of the Clean Water Act must accompany the SWFP application. For proposed landfill sites, preliminary closure and post-closure plans, accompanied by cost estimates and financial assurance documents must be submitted as well.

10.4.2 Permit Issuance and Denial Procedures

Staff will be introduced to the general administrative procedures and regulatory timelines for issuing or denying a requested permit, and the more common reasons for such determinations. For more detailed instructions, Section 11 of this document will be consulted by SCL-LEA staff.

10.5 HEALTH AND SAFETY

Protection of employee health and safety is of paramount importance to the City and County of Los Angeles. Because the necessary inspection activities of the SCL-LEA, The SCL-LEA will administer extensive health and safety training and issue prescribed safety equipment to protect field staff from physical accidents and potential chemical exposures. The health and safety training program will focus on both general office and field inspection activities and will address use of field inspection equipment.

The City of Los Angeles Occupational Safety Office has developed a Health and Safety Policy and a Health and Safety Manual to serve as a guidance document to assure a continuous healthful and safe work procedures and facilities. The SCL-LEA will utilize City of Los Angeles Health and Safety Manual.

10.5.1 Workplace Illness and Injury Prevention Procedures

All staff of the SCL-LEA will be required to review the City and/or County of Los Angeles Health and Safety Manuals, which includes the Illness and Injury Prevention Plan (IIPP), and acknowledge in writing that the plan has been

received and is understood. The IIPP was developed in accordance with Senate Bill 198 (8 CCR 3203), to further protect California's employees, and is incorporated by reference.

10.5.2 Job Site Safety Policy

Designated staff of the SCL-LEA will have job site inspection responsibilities. Because of the nature of solid waste operations, the potential for injury or endangerment exists. In order to protect against these possibilities, each of the staff members having field inspection responsibilities will be thoroughly trained.

As an initial step, the job site safety policies developed by the CIWMB (and supported by the SCL-LEA), Los Angeles County SWMP, SB179 and OSHA are incorporated by reference as part of this document, and will be reviewed by SCL-LEA staff.

10.5.3 Job Site Safety Training

Prior to commencing facility inspection or monitoring activities, all LEA field staff must: a) meet the physical health requirements for undertaking field duties and utilizing personal protective equipment, and b) complete a 40-hour Hazardous Waste Operations Emergency Response training course. Though solid waste operations do not routinely encompass exposure to hazardous materials or wastes, occasions do occur when these materials are unlawfully commingled with non-hazardous wastes. Trace volatile organic components are also contained in landfill gases, some of which are known carcinogens. In order to protect inspectors, the 40-hours of instruction will provide training in proper safety procedures and use of protective equipment. The course will address the following topics:

- Hazardous recognition and avoidance techniques
- Inspection planning and organization
- Site characterization
- Exposure routes
- Air monitoring equipment and procedures
- Personal protective equipment and use
- Site control
- Decontamination
- Emergency preparedness and response

10.6 INSPECTION, MONITORING, AND ENFORCEMENT PROCEDURES

Training activities for inspection, monitoring, and enforcement will consist of staff workshops, seminars, and on-job instruction at solid waste facilities. The

CIWMB provides training program that will be used in support of the inspector training process. These training programs will remain a continual resource for SCL-LEA staff.

10.6.1 Inspection and Monitoring Procedures

Because the majority of the SCL-LEA responsibilities focus on compliance with solid waste management regulations and permits, as determined through inspection and monitoring activities, SCL-LEA staff will receive extensive training in these areas. Training topics will include:

- Background and enabling legislation
- Field health and safety plans
- State minimum (and performance) standards requirements
- Procedures for inspecting each type of facility
- LEA Advisories (CIWMB website)
- Proper usage of field monitoring equipment for landfill gas, leachate and vectors
- Data evaluation, analysis and interpretation
- Quality assurance guideline
- Inspection report preparation
- Proposition 65 reporting requirements
- Categories of facility violations
- Emergency enforcement actions

10.6.2 Enforcement Procedures

As an adjunct to the inspection and monitoring activities, correction of any violations or areas of concern will be required by the SCL-LEA. Enforcement approaches will be in cooperation with the owner or operator (as applicable) to the extent that agreement can be reached. If cooperative agreements are determined not feasible, unilateral action on the part of the SCL-LEA and/or the CIWMB will be pursued. Extensive staff instruction will be provided in enforcement option selection, corresponding procedures and time frames:

- SCL-LEA and CIWMB duties and responsibilities for enforcement
- SCL-LEA and CIWMB policies regarding enforcement
- Description of enforcement options
- Minimum expected enforcement response
- Time frames for enforcement actions
- Cooperative enforcement approaches
- Unilateral enforcement approaches
- Permit denial, suspension, revocation or modification
- Independent Hearing Panel Hearings

- Petition for reinstatement or penalty reduction
- Review of SCL-LEA enforcement program by the CIWMB

10.7 COURT PREPARATION AND HEARING PROCEDURES

On a regular basis, staff members will be asked to present recommended actions before the SCL-LEA Hearing Panel (in a public forum) for their consideration. Permit approvals, enforcement actions, and appeals, for instance, will require public hearing. Training programs on preparing for court testimony and other public hearings will be provided by the SCL-LEA.

10.7.1 Court Preparation Procedures

A major element of the permitting, inspection, and enforcement training will include education and training in the appropriate procedures for recordkeeping and documentation to support all actions recommended to the Hearing Panel. In addition, because enforcement actions have the potential for forming the basis of future civil and/or criminal court proceedings, SCL-LEA staff will be trained to prepare all enforcement actions (in accordance with the procedures outlined in Section 12) as though they will be used in this manner.

10.7.2 Hearing Procedures

Since presentations to the Hearing Panel will usually be made by SCL-LEA management staff already familiar with formal hearing procedures, training of other SCL-LEA staff members will occur largely through on-job observation of presentations by their supervisors or colleagues. The format and level of detail for staff reports and presentations, as well as the appropriate rules of conduct, will be described to each employee by their immediate supervisor on an as-needed basis.

It is possible that from time to time staff of the SCL-LEA may be required to provide factual testimony during court proceedings. The SCL-LEA staff on an as-needed basis, depending upon circumstances surrounding the court proceedings may provide specific legal assistance.

10.8 COMMUNITY WORKSHOP AND COMMUNICATION TRAINING

SCL-LEA personnel will be provided training in developing and holding public workshops. Media and communication training will be provided on an as-needed basis for SCL-LEA personnel. Risk communication training will be included in the communication training.

10.9 SPECIFIC TRAINING IN PERFORMANCE STANDARDS

The SCL-LEA training programs and site visits will specifically emphasize performance standards inspections and enforcement actions.

10.10 SCL-LEA ADMINISTRATIVE PROCEDURES

This EPP manual will be provided to all SCL-LEA personnel as part of their training program. The administrative organizational structure of the Authority and of the SCL-LEA program management will be reviewed in the initial SCL-LEA personnel training sessions. An administrative procedures guide for the SCL-LEA program will be developed and maintained as part of the SCL-LEA program. Administrative guides and training materials will all be included in the attachments and will be update on a regular basis.

Section 11

PERMITTING AND CLOSURE / **POSTCLOSURE APPROVAL PROCEDURES**

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Section 11.0

PERMITTING AND CLOSURE / POSTCLOSURE APPROVAL PROCEDURES

11.1 PERMITTING, CLOSURE / POSTCLOSURE POLICY AND OBJECTIVES

Except as described in Sections 11.2 and 11.4, a permit (SWFP) is required from the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA), in conjunction with the California Integrated Waste Management Board (CIWMB) prior to operation of any site established for the purpose of collection, sorting, transfer, or disposal of solid wastes. The California Code of Regulations, Title 14 Sections 18100 et seq. sets out the “regulatory Tier Requirements” and the method of application for a tiered solid waste facilities permit, procedures for review and action on an application package, and other requirements associated with regulatory tiers.

This section of the Enforcement Program Plan (EPP) will describe the procedures to be followed by the SCL-LEA, in conformance with the following resource documents, which are incorporated into the EPP by reference:

California Code of Regulations, Title 14 (14 CCR)

Public Resources Code (PRC)

Combined SWRCB/CIWMB Regulations, Title 27 (27 CCR)

City of Los Angeles Municipal Code (LAMC), Chapter IX, Article 1, Division 71

11.1.1 Permitting and Closure/Postclosure Policy

The SCL-LEA for the Authority will develop a staff of trained, informed, and efficient professionals to effect new facility permitting and approval of site closure and postclosure maintenance plans. The SCL-LEA will also process existing facility modification documentation when required. When issuing or revising solid waste facility permits (SWFPs), primary consideration will be given to protection of public health, worker safety and environmental protection.

Efforts of the LEA will be coordinated with other responsible agencies representing the City, County, Regional, State, and Federal Governments. The SCL-LEA will maintain communications with all stakeholders including the public, City and County officials and community groups and organizations.. Examples of communications include: status updates on changes proposed to existing operations and the permit and/or approval processes for proposed new operations.

The SCL-LEA shall develop policy and procedures consistent with the State of California permit consolidating and streamlining effort, and will strive to meet the

spirit consolidating and streamlining the Cal/EPA permit processes.

11.1.2 Permitting and Closure/Postclosure Objectives

Immediate term objectives of the SCL-LEA are to develop a set of procedures for staff to effectively review permit applications, issue and/or deny permits, evaluate closure and postclosure plans, procedures, cost estimates, and financial assurance mechanisms for solid waste facilities. Long term objectives include development of the operator, all stakeholders and interested parties having a clearly defined and understanding of SCL-LEA's role and responsibilities and convenient access regarding for all applicable solid waste permit and regulatory issues.

Facilities under the jurisdiction of the SCL-LEA will also be required to provide disposal, diversion, and other data necessary for the City to comply with the reporting requirements and preparation of the AB 939 Solid Waste Generation Study and/or the Source Reduction and Recycling Element.

In order to obtain a solid waste facility permit, each operator of a disposal site must file with the SCL-LEA a RDSI as required in §21600 and §21590 of Title 27 California Code of Regulations. The information contained in the RDSI shall be used to determine whether a permit should be issued and to provide information to be included within the permit if applicable. In order to maintain the permit, the operator must file amendments to the RDSI as required in §21665. Such amendments or lack thereof may become the basis for changes in the permit or for revocation of the permit.

11.2 PERMIT EXCLUSIONS AND EXEMPTIONS

This section describes procedures for establishing permit exclusion status or for obtaining SCL-LEA exemption from permit requirements for select facilities. Exclusions from the SWFP requirements are granted through statute or regulation, whereas exemptions from permit requirements are determined by the LEA, provided certain supporting findings can be made.

11.2.1 Permit Exclusions

For purposes of this section, and reflective of the current regulatory setting, facilities qualifying for exclusion from SWFP requirements include those which are typically very small volume facilities, involved exclusively in recycling and/or salvage operations, or facilities for which waste handling activities are only incidental to the operation.

New ordinances which are stricter than the CIWMB regulations may be promulgated by the City and/or by the County of Los Angeles. The current regulations will be continually monitored and will be superseded as newer stricter requirements as they are developed and approved.

11.2.2 Permit Exemptions

At the discretion of the SCL-LEA, solid waste facilities may be exempted from the SWFP requirements, if all of the following three findings can be made:

- a) The exemption is not against the public interest.
- b) The quantity of solid wastes is insignificant.
- c) The nature of the solid wastes poses no significant threat to health, safety, or the environment.

AND one of the following facility classifications applies:

- a) Facilities or portions thereof doing research funded primarily by government grants a
- b) Drilling mud disposal sumps for short-term use (less than one year), if the muds, fluids, and cuttings do not contain significant quantities of hazardous or toxic materials and the sites have Waste Discharge Requirements (WDRs) from a Regional Water Quality Control Board (RWQCB)
- c) Unclassified waste management units as defined by the State Water Resources Control Board (SWRCB), except as otherwise provided in CCR, Title 14, Division 7, Chapter 3.0, Article 5.95.
- d) Farm or ranch disposal sites for use by one or two families.
- e) Resource recovery facilities intended for demonstration purposes only, and not for profit.
- f) Disposal sites to be used exclusively for spreading one of the following materials: cannery wastes, oily wastes, mine tailings, ashes and residues, agricultural wastes, street sweepings, dirt from excavations, slag if disposed of on site, or waste water treatment sludges if disposed on site or to specified agricultural grounds.
- g) Evaporation ponds which have WDRs from a RWQCB for disposing salts from oil and geothermal drilling operations.

11.2.3 Applications for Exemptions

If a facility meets the aforementioned criteria for exemption, the proposed

operator may submit an application for exemption to the LEA, which must include at least the following:

- a) Completed application form (CWMB E-1-77) plus one copy, indicating application for exemption
- b) Complete description of the planned operations, of the detail necessary to make the required three findings, including:
 - i) the appropriate facility classification
 - ii) volumes and nature of wastes to be handled
 - iii) rationale for determining that the waste will pose no significant threat to health, safety, or the environment
 - iv) potential environmental impacts caused by the facility and/or operations
 - v) copy of the WDRs, if required.

11.2.4 Review of Exemption Applications by the LEA

Solid waste facilities, as defined in the Public Resources Code, are required to obtain SWFPs or exemptions, the LEA will evaluate the application for exemption in accordance with the following criteria:

- 1) Is the facility included in any of the exemption classifications in the above EPP Section 11.2.2?
- 2) Can the three mandatory findings be made by the LEA?
 - a) The exemption is not against the public interest.
 - b) The quantity of wastes to be handled is insignificant.
 - c) The nature of the wastes to be handled pose no significant threat to health, safety, or the environment.

If the required conditions are met by the facility, the LEA will issue an exemption, and forward a copy to the CIWMB within seven days.

11.3 FILING OF SOLID WASTE FACILITY PERMIT APPLICATIONS

There are five regulatory tiers.

- 1) Excluded/Exempt
- 2) Enforcement Agency Notification
- 3) Registration Permit
- 4) Standardized Permit
- 5) Full Solid Waste Facility Permit

Completed permit applications must be submitted in order to obtain any of the following permits or approvals from the LEA:

- 1) New Solid Waste Facility Permit
- 2) Permit Review
- 3) Revision of Solid Waste Facility Permit
- 4) Application Amendment
- 5) Amended Report of Facility Information
- 6) SWFP Exemption and/or Waiver

Each of these permits or approvals will be briefly described in the following paragraphs.

11.3.1 Report of Facility Information

The Report of Facility Information (RFI) is a comprehensive document which describes all aspects of the site design, operation, vector and nuisance control procedures, daily waste and traffic loadings, facility capacity and site life projections, and recordkeeping and reporting procedures. For each type of solid waste facility, a permit application is required to be supported by an appropriate version of the RFI, as follows:

- A Joint Technical Document (JTD) or Report of Disposal Site Information (RDSI) for a landfill.
- A Transfer Processing Report (TPR) for a large volume transfer/processing facility.
- A Facility Plan for a medium volume transfer/processing facility or direct transfer facility.
- A Report of Composting Site Information (RCSI) or Report of Green Composting Site Information (RGCSI) for a solid waste or green waste composting facilities.
- A CDI Debris Processing Facility Report or an Inert Debris Processing Facility Report for a large volume construction and demolition/inert processing facility or a large volume inert debris processing facility.
- A CDI Debris Processing Plan for a medium volume construction and demolition/inert processing facility.
- A C&D Wood Debris Chipping and Grinding Plan for a medium volume C&D wood debris chipping and grinding facility.

The CIWMB has developed a technical assistance guides in the preparation of the above documents that can be accessed on the CIWMB website (www.ciwmb.ca.gov) "LEA Tool Box" to assist LEA and owner/operators of facilities.

11.3.2 New Facility Permits

Application for a permit to establish a new facility requires submittal of the following information, in adequate detail to allow both thorough evaluation of the environmental effects of the facility, and evaluation of the likelihood that the facility will be capable of conforming to state minimum standards over its useful life:

- Completed Application Form, with appropriate filing fees
- Report of Facility Information
- Local Land Use/Planning Permits
- Verification of Fire District Compliance
- Certified California Environmental Quality Act (CEQA) Documents
- Waste Discharge Requirements
- South Coast Air Quality Management District Permits, if applicable
- Stormwater Discharge Permits
- National Pollutant Discharge Elimination System (NPDES) Permit
- Approval of the Household Hazardous Waste Load Checking Program from the Department of Toxic Substance Control, if applicable
- Wetlands (Section 404) Permit, if applicable
- Documentation of Inclusion in the Non-Disposal Facility Element, if applicable
- Preliminary Closure Plan, for Landfills
- Preliminary Postclosure Monitoring and Maintenance Plan, for Landfills
- Financial Assurance Documentation for Operating Liability
- Cost Estimates for Closure and Postclosure Activities with Adequate Financial Assurance Documentation
- Financial Assurance Documentation for Corrective Action
- Other Required Ministerial Permits or Approvals (i.e. Grading Permit, Building Permit, Underground Tank Permit)
- Other Documents as Required by Local Land Use Conditions and/or Ordinances

11.3.3 CoSWMP/CIWMP Conformance Process

The California Integrated Waste Management Act of 1989 revised section 50001 of the Public Resources Code to require that facilities not be established unless in conformance with the Countywide Integrated Waste Management Plan (CIWMP) approved by the CIWMB. Previously, Section 50001 required conformance with the County Solid Waste Management Plan (CoSWMP). However, since CIWMPs are not effective until January 1993 or 1994 (depending upon remaining solid waste disposal capacity), a gap in the planning, siting, and approval process was created.

Subsequent legislation, AB 2296 contains statutes for planning, siting, and approving new or expanded solid waste facilities during this identified gap. For facilities included in the previously approved CoSWMP, no additional CIWMP related approvals are required prior to SWFP application. If a proposed facility is not included in the latest CoSWMP, then review and approval by the cities and counties is required in accordance with the CIWMP conformance process administered by the Los Angeles County Department of Public Works.

AB 3001 requires the City to prepare, adopt, and transmit to the County a nondisposal facility element (NDFE) which includes all of the information which is consistent with the implementation of the county source reduction and recycling element. Local agencies may impose a fee on project proponents to fund their necessary and actual costs of preparing and approving amendments to nondisposal facility elements.

11.3.4 Five Year Permit Review

Permit Reviews shall be conducted by the LEA for all permitted facilities at least once during every five (5) year period. A completed application package from the operator will be required prior to initiating the review. Complete application packages will consist of the following submittals:

- (1) Completed Application Form, with appropriate filing fees
- (2) Identify the proposed changes in design and operation; and
- (3) Updated amendments to the Report of Facility Information (RFI);
- (4) For disposal sites only, the updated amendments shall include an estimate of the remaining site life and capacity;
- (5) For disposal sites only, an amended closure plan as specified in Sections 21780, 21865, and 21890 of Title 27.

11.3.5 Permit Revision

Changes in the design or operation of a facility may be desired by the operator from time to time. If the changes meet the definition of "project" under CEQA, or are considered "significant" by the SCL-LEA, a Permit Revision is required.

The SCL-LEA will determine whether a proposed change is or is not significant. If a Permit Revision is deemed necessary, the operator must submit an application, and obtain a revised SWFP from the SCL-LEA prior to implementing the changes. A complete application package for Permit Revision should contain the

following items:

- Application Form, with appropriate filing fees
- Amended RFI
- Certified CEQA Documents, if applicable
- Any Revised Project Documents
- Amended/revised closure and postclosure maintenance plans

11.3.6 Permit Modification

Applications for Permit Modification are required for changes of the type that will not affect facility operations or the potential for environmental impacts (i.e. change of ownership or control, emergency contact persons, mailing addresses). Permit Modifications are appropriate for amendments which do not meet the definition of "project" according to CEQA. For these applications, the following items must be submitted:

- Application Form, with appropriate filing fees
- Amended JTD / RFI, if applicable
- Local Land Use/Planning Permits, if amended
- Amended/revised closure and postclosure maintenance plans

11.3.7 Amended Application

If the need arises to change the information submitted in a pending permit application prior to issuance of the SWFP, an Amended Application to the original submittal should be filed. An Amended Application includes the following:

- Application Form, with appropriate filing fees
- Amended JTD / RFI, if applicable
- Amended supporting documents, if applicable

11.3.8 RFI Amendment

At all times, the RFI should accurately depict the current facility design, operation, and maintenance conditions. Whenever changes in any of the site conditions occurs, an amendment to the RFI must be submitted by the operator to the SCL-LEA. The amended RFI and cover letter (itemizing the revisions) should be accompanied by the appropriate permit application (for Revision or Modification). In this way, the SWFP and supporting documentation will

continue to be a current source of facility information on record with the SCL-LEA and the CIWMB.

11.4 APPLICATION EVALUATION AND PROCESSING PROCEDURES

This section will describe the procedures to be implemented by the SCL-LEA following submittal of a SWFP application.

11.4.1 Mailing and Delivery Procedures

All correspondence which must be delivered, transmitted, or provided to the CIWMB, another agency, and/or the applicant, within a specified time frame will be conveyed in a manner conducive to verifying delivery. All correspondence will be addressed to an individual at his/her office location and sent by courier, overnight or express service, or certified mail (with return receipt). The package will be sent in a manner requiring a signature to verify receipt by either the individual or authorized representative. This approach will serve to eliminate confusion regarding processing timelines and fulfillment of agency responsibilities.

11.4.2 SCL-LEA Processing and Evaluation of Permit Application

Upon receipt of the permit application, the SCL-LEA shall stamp the application package with the date of receipt. The SCL-LEA shall examine the application package to determine whether it meets the requirements of §21570. If the EA finds the package meets the requirements of §21570, the application package shall be accepted and stamped with the date of acceptance. Notwithstanding any other provision of this division, the application package shall be deemed filed on the date of acceptance.

The EA shall either accept or reject the application package within thirty days (30) of its receipt.

Within five days of filing, the SCL-LEA shall notify the CIWMB, and the RWQCB if applicable, of its determination. The EA shall submit as its notification to the CIWMB a copy of the accepted application form. The SCL-LEA shall also forward a copy of the application form to the RWQCB if applicable.

If the SCL-LEA determines that the application package does not meet the requirements of §21570, it shall reject and not file the application, and it shall, within five days of determination, so notify the applicant, the CIWMB, and the RWQCB if applicable, enumerating the grounds for rejection. The SCL-LEA shall include in its notification to the CIWMB a copy of the rejected application form. The application package, together with the notice of rejection, shall be kept in the SCL-LEA's file.

After acceptance of an application for a new or revised full solid waste facilities permit as complete and correct and within 60 days of receipt of the application by the EA, the EA shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3. For modified solid waste facilities permits, the SCL-LEA shall provide notice as required by §21660.3 after finding the permit application complete and correct and within 60 days of receipt of the application by the SCL-LEA.

Upon request of the applicant, the SCL-LEA may accept an incomplete application package. As a condition of acceptance, the operator and the SCL-LEA shall waive the statutory time limit contained in Public Resources Code §44009. The EA shall notify the applicant within 30 days if the applicant's request for review under this subsection has been accepted. If the application package does not conform with the requirements of §21570 within 180 days from the date of the SCL-LEA agreeing to accept the package as incomplete the SCL-LEA shall reject the application package. If the SCL-LEA finds the application package meets the requirements of §21570, the application package shall be accepted.

No later than 60 days after the application package has been accepted as complete and correct and after conducting an informational meeting if required by §§21660.2 and 21660.3, the SCL-LEA shall mail to the CIWMB the following:

- (1) A copy of the proposed solid waste facilities permit;
- (2) The accepted application package;
- (3) A certification from the SCL-LEA that the solid waste facilities permit application package is complete and correct, including a statement that the RFI meets the requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or 18227.
- (4) Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status of the applicant's WDRs, as

described in Public Resources Code §44009;

- (5) Any written public comments received on a pending application and a summary of comments received at the informational meeting and, where applicable, any steps taken by the EA relative to those comments. Subsequent to the transmittal of the proposed solid waste facilities permit, the EA shall, within five (5) days of receipt, provide a copy of any additional written public comments to the CIWMB.
- (6) A solid waste facilities permit review report which has been prepared pursuant to §21675, within the last five years.
- (7) SCL-LEA finding that the proposed solid waste facilities permit is consistent with and is supported by existing CEQA analysis, or information regarding the progress toward CEQA compliance.
- (8) SCL-LEA shall incorporate the conditions (into the proposed permit) that impact the health and safety of the proposed facility design, operations, maintenance, and closure specified in the land use conditions for the facility.

At the time the SCL-LEA submits the proposed solid waste facilities permit to the CIWMB, the SCL-LEA shall submit a copy of the proposed solid waste facilities permit to the applicant, the RWQCB if applicable, and any person so requesting in writing. The copy of the proposed solid waste facilities permit provided to the applicant shall also be accompanied by a form for request for hearing, which the applicant may use to obtain a hearing before a hearing panel to challenge any condition in the solid waste facilities permit. In cases where a hearing panel may be requested, the SCL-LEA shall notify the CIWMB within seven days of being noticed by the operator.

The proposed solid waste facilities permit shall contain the SCL-LEA 's conditions.

If the SCL-LEA determines that the amendment submitted pursuant to §21610 fundamentally alters the nature of the application, which requires evaluation, within twenty days of the filing of the amendment, the SCL-LEA may deem the amendment a new application. This amendment will supersede the previous application and incorporating unamended portions of the previous application, in which case the time for the SCL-LEA to act on the amendment shall be computed from the date of filing of the amendment. Any such determination by the EA shall

be documented within five days of the determination by written notice to the applicant.

If the amendment is submitted to the SCL-LEA eleven days or more after the date the SCL-LEA has stamped the package as received, the 30 day review period may be extended as long as the SCL-LEA still complies with the paragraph above.

11.4.3 Facility Evaluation Inspection

Prior to processing a SWFP application, the SCL-LEA staff member will conduct a facility inspection in accordance with the inspection procedures described in Section 12. The inspection will allow the SCL-LEA to confirm conditions described in the permit application.

11.4.4 Public Notice and Comment

The SCL-LEA will be receptive to public comments regarding SWFP applications. A current list of all pending applications will be maintained by the SCL-LEA, which will be publicly available during normal business hours. A notice of application will be mailed to every person requesting such notification, and copies of all accepted permit applications will be available for review by interested parties making request in writing. Any written public comments received pertinent to accepted SWFP applications will be retained by the SCL-LEA, with copies mailed to the CIWMB within five (5) days.

The SCL-LEA will also ensure that project proponents comply with the public notification guidelines set forth in the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 (included in separately bound Attachments volume).

The SCL-LEA will also conduct public information meetings as required by AB 1497 (2003, Montanez). The bill required LEAs to submit a proposed determination regarding whether a change to a solid waste facility will be approved to the CIWMB for comment, and to hold at least one public hearing on the proposed determination.

The SCL-LEA shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

Within 5 days after the SCL-LEA approves the RFI amendment and within 5 days

from the SCL-LEA receiving the application for new, revised, and modified permits, the SCL-LEA shall mail written notice of the approval of the RFI amendment or written notice of the receipt of an application for a new, revised, or modified permit to every person who has submitted a written request for such notice. Written public comments on an application shall be retained by the EA.

Specific provisions to the content of notices, distribution and publishing of notices, and informational meetings may be found in subsequent sections as follows:

- Content of Notice for RFI Amendment Applications--§21660.1(a)
- Publication of Notice for RFI Amendment Applications--§21660.1(b)
- Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications--§21660.2
- Contents of Notice of New, Revised, and Modified Permit Applications and EA Conducted Informational Meeting--§21660.3(a)
- Notice Distribution for New, Revised, and Modified Permit Applications and EA Conducted Informational Meeting--§21660.3(b)
- Substitute Meetings in Place of EA-Conducted Informational Meetings--§21660.4
- Content of Notice of New and Revised Full Permit Applications Using Substitute Meeting or Hearing--§21660.4(a)
- Notice Distribution of New and Revised Full Permit Application Using Substituted Meeting or Hearing--§21660.4(b)

The SCL-LEA shall conduct an informational meeting for all new and revised full solid waste facilities permit applications as determined by §21665. The SCL-LEA shall hold an informational meeting on an application for a new full solid waste facilities permit or an application for a full solid waste facilities permit revision. The SCL-LEA may require the operator(s) of the facility or facilities that are the subject of the informational meeting to pay all costs incurred by the SCL-LEA in connection with the meeting. The informational meeting may be combined with another public meeting in which the SCL-LEA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

The informational meeting shall be held after acceptance of the application package as complete and correct by the SCL-LEA and within 60 days of receipt of the application by the SCL-LEA. The SCL-LEA shall submit to the Board a copy of the informational meeting notice at time of issuance. The SCL-LEA will post the notice on its web site as a way to further inform the public.

The informational meeting shall meet the following criteria:

- (1) The meeting shall be held in a suitable location not more than one (1) mile from the facility that is the subject of the meeting; if no suitable and available location exists within one (1) mile of the facility, as determined by the SCL-LEA, the SCL-LEA may designate an alternative suitable location that is as close to the facility as reasonably practical.
- (2) The meeting shall be held on a day and at a time that the SCL-LEA determines will enable attendance by residents living in the vicinity of the facility that is the subject of the meeting.
- (3) The SCL-LEAs may undertake additional measures to increase public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the meeting, including but not limited to additional posting at the facility entrance, noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site, posting in a local newspaper of general circulation, and multilingual notice and translation, and multiple meeting dates, times and locations.

The SCL-LEA may substitute a previous public meeting or hearing for the requirements in this Section pursuant to §21660.4 if the applicant does not object.

11.5 PERMIT PREPARATION AND ISSUANCE PROCEDURES

The following paragraphs describe the procedures for preparation and issuance of SWFPs.

11.5.1 Permitting Timeline

Within 55 days of the application filing date, the SCL-LEA is required to provide a copy of the proposed SWFP to the applicant, the CIWMB, and any persons so requesting. The proposed SWFP will include SCL-LEA findings and conditions of operation.

Unless the statutory time frame is waived by the applicant, the SCL-LEA must decide whether to issue or deny the SWFP within 120 days of the application

filing date, but not less than 65 days following CIWMB receipt of the proposed SWFP.

The applicant may request a meeting with the SCL-LEA in order to appeal any finding or condition of the proposed permit.

11.5.2 Issue Resolution

Cost effective expenditure of SCL-LEA staff time will be realized through coordination with the applicant and other permitting agencies. Resolution of conflicts, clarification of possible misconceptions, and/or identification of fatal project flaws at the earliest point in the permit process will expedite the issuance or denial procedures.

In an attempt to eliminate unnecessary hearings and minimize permit processing delays, the SCL-LEA will provide a draft SWFP to the applicant for review prior to submitting the proposed permit to the CIWMB for concurrence. This will allow the applicant to review the proposed permit requirements and negotiate any reasonable modifications with SCL-LEA staff prior to public distribution of the proposed SWFP. This effort will provide a mutual understanding of project responsibilities, but is not to be misconstrued as a means for providing preferential treatment to any applicant.

11.5.3 Permit Format

The proposed SWFP issued by the SCL-LEA will be the most current CIWMB form provided in the Permit Toolbox on their website (www.ciwmb.ca.gov)

11.5.4 Public Involvement

The LEA will provide, no later than 75 days after the application filing date, a written copy of the proposed permit to any persons having so requested. The project files maintained by the SCL-LEA will also be made available for review to any persons or organizations upon written request. Submittal of written comments regarding the proposed permit are welcomed by the SCL-LEA. Any comments received will become part of the public record, along with the application and the proposed SWFP. The SCL-LEA will also conduct public information meetings as required by AB 1497 (2003, Montanez).

11.5.5 Concurrence by the CIWMB

Within 60 days of receipt of the proposed SWFP, the CIWMB will consider the proposed permit in a public hearing, and take testimony and/or comments from any person requesting to speak. The CIWMB will either concur with, or object to the proposed permit, and submit such determination in writing to the SCL-LEA. If rejected, the CIWMB will accompany its objection with a written explanation of its reasons.

If the CIWMB fails to take any action within 60 days, it shall be deemed to have concurred in the issuance of the proposed SWFP as delivered.

11.5.6 Permit Issuance by the SCL-LEA / CIWMB

This is needed prior to the SCL-LEA accepting the application package as complete.

If concurrence by the CIWMB is received, the SCL-LEA may issue the SWFP. Within 15 days of issuance, copies of the SWFP will be provided to the facility owner, proposed operator and the CIWMB.

Copies of the approved SWFP will also be distributed by the SCL-LEA to all interested agencies, as well as any persons having requested in writing to receive a copy.

11.6 PERMIT DENIAL PROCEDURES

The following paragraphs describe the reasons for denial of a SWFP, and the recourse available to the applicant in the event such action is taken. Also specified in this section is the coordinative relationship between the LEA and the CIWMB in the permit denial process. Procedures involving suspension, revocation, or modification of permits is described in Section 12, Inspection and Enforcement Procedures.

11.6.1 Justification for Denial

The LEA shall deny a SWFP for any of the following reasons:

- 1) The proposed facility is not consistent with either the CoSWMP or the CIWMP, as applicable.
- 2) The proposed facility does not conform to the state minimum standards.
- 3) The CIWMB objects to the proposed permit, and either
 - a) fewer than 45 days remain before the statutory date for action (with no waiver of the deadline by the applicant).

- b) the LEA determines that it is impossible to propose a SWFP which will be mutually acceptable to the SCL-LEA, CIWMB, and applicant.

11.6.2 Denial Process

Upon denial of a SWFP by the SCL-LEA, written notice will be delivered to the applicant, the CIWMB, and any person having requested such notice. The notice delivered to the applicant will include the reasons for rejection, as well as a form request for appellate hearing before the designated SCL-LEA Hearing Panel.

11.6.3 Appeal Process

If a written request for hearing regarding permit denial is submitted to the SCL-LEA, within five (5) business days of service upon the applicant, the SCL-LEA will provide copies of the request, the statement of issues, and notice of defense to the CIWMB.

11.7 RECORDKEEPING PROCEDURES

This section describes recordkeeping procedures which are an essential part of the SCL-LEA responsibilities throughout the permitting/denial process. These procedures take into consideration the statutory due dates for regulatory action as well as the public involvement requirements included throughout the permitting process.

11.7.1 Pending Applications

The SCL-LEA will maintain the following lists at its offices, which will be available for public viewing upon request:

- 1) A current list of all pending applications.
- 2) A record of all persons submitting written request to view files for pending applications.
- 3) A listing of persons requesting notices of application, notices to the operator, and proposed SWFPs, as well as the date of request.

Written comments regarding an application and/or proposed permit shall be marked with the date received, and retained by the SCL-LEA as part of the project files. Within five (5) business days of receipt, a copy will be forwarded to the CIWMB. The actual date and method of this transmittal (i.e. certified mail, express mail, staff courier) will be recorded in the project files, along with a receipt of delivery.

11.7.2 Active Permits

All active SWFPs will be maintained at the SCL-LEA offices, and will be made available to the public upon written request. These files will also include at least the following information:

- 1) Current Report of Facility Information
- 2) All supporting permits and agency approvals
- 3) Facility inspection reports
- 4) Any Notices of Violation
- 5) Environmental monitoring reports
- 6) Non-proprietary correspondence to and from the applicant
- 7) All correspondence from concerned individuals or agencies

Copies of the approved SWFP will also be distributed by the SCL-LEA to all interested agencies, as well as any persons having requested in writing to receive a copy. Agencies and individuals receiving a copy of the approved SWFP, may include at least the following:

- 1) Environmental Protection Agency (EPA)
- 2) State Water Resources Control Board (SWRCB)
- 3) Department of Toxic Substance Control (DTSC)
- 4) South Coast Air Quality Management District (SCAQMD)
- 5) Los Angeles Regional Water Quality Control Board (RWQCB)
- 6) Office of the Mayor of the City of Los Angeles
- 7) Members of the Local Enforcement Agency Hearing Panel
- 8) Members of the Los Angeles City Council
- 9) City of Los Angeles Bureau of Sanitation
- 10) City of Los Angeles Planning Department
- 11) City of Los Angeles Board of Public Works
- 12) Office of the Water Master
- 13) County Sanitation Districts of Los Angeles County (CSDLAC)
- 14) Los Angeles County Department of Health and Human Services
- 15) Los Angeles County Public Works Department (LADPW)
- 16) Los Angeles County Flood Control District (LAFCD)
- 17) Any persons so requesting the permit

11.8 PERMIT REVIEW PROCESS

All SWFPs will be subject to review at least once every five (5) years following its issuance, most recent modification, revision, and/or review. It should be

noted that a SWFP does not necessarily expire every five years, and an application for permit *review* is not the same as an application for permit *renewal*. The five-year permit review is intended to assess the need for revision or modification of the SWFP.

11.8.1 Permit Review Procedures

The SCL-LEA will notify the facility operator of the scheduled review no less than 180 days before it is due. No less than 150 days before it is due, the operator is required to submit an application and supporting documents for permit review, which will be evaluated by the SCL-LEA.

As part of the permit review process, the SCL-LEA will conduct a site inspection in accordance with the procedures described in Section 12 of the EPP. The following facility features, which may serve to indicate "significant changes" from the existing permit conditions (warranting a permit revision), should receive special attention during the review:

- 1) Facility closure
- 2) Waste quantities or types varying from that permitted
- 3) Days or hours of operation
- 4) Projected closure date
- 5) Excavation depths or height
- 6) Permitted area
- 7) Facility design
- 8) Service area
- 9) Facility user traffic volume or type
- 10) Surrounding land uses
- 11) Recycling/recovery operations

All findings will then be documented in a Permit Review Report that will be submitted to the facility operator, the CIWMB, and any persons requesting copies within 150 days of filing the application.

If the Permit Review Report concludes that a revision or modification to the SWFP is needed, the SCL-LEA will then advise the operator to submit an application and appropriate supporting documents. If the Permit Review Report concludes that no revisions are required, the SCLLEA will reissue the permit with a new cover page indicating the date of the next permit review. The existing SWFP will remain in force until changes requiring permit revision are proposed, or until the next permit review occurs. A notice of decision regarding the Permit Review process will be transmitted to the CIWMB, the operator, and any persons requesting copies.

11.9 CLOSURE AND POSTCLOSURE PLAN REQUIREMENTS

This section describes the requirements for development and approval of landfill closure and postclosure maintenance plans and their implementation. Such plans are developed to ensure that solid waste landfills will be closed and maintained in a manner protective of public health and the environment, and to assure that adequate financial resources will be available to fulfill these responsibilities.

11.9.1 Schedule and General Requirements

All plans developed to fulfill the aforementioned regulations shall be submitted to the CIWMB, the SCL-LEA, and the RWQCB, in accordance with the following schedule and requirements:

- 1) Preliminary closure and postclosure plans for existing solid waste landfills are due at the time of application for each permit review or revision. For new landfills plans are due at the time of SWFP application.
- 2) Final closure and postclosure plans shall be submitted:
 - a) two (2) years prior to the anticipated closure date
 - b) two (2) years prior to the anticipated closure date, for incremental closure of discrete landfill units.
- 3) Closure activities shall not commence prior to obtaining all regulatory approvals of the closure and postclosure plans.
- 4) A planned, but unpermitted landfill expansion does not relieve the operator of these responsibilities.

11.9.2 Preliminary Closure Plan Requirements and Contents

The preliminary closure plan shall identify the steps necessary to close a solid waste landfill at the point in its active life when closure would be most expensive.

This will facilitate preparation of closure costs (which must be certified by a registered civil engineer), and enable the SCL-LEA and CIWMB to evaluate the cost estimates. The preliminary closure plan must provide specific tasks and cost estimates for the landfill closure which will effectively minimize the extent of postclosure maintenance required to protect public health, safety and the environment.

The preliminary closure plan must include at least the following information:

- 1) A landfill location map, showing:
 - Property boundaries
 - On-site structures
 - Entry roads
 - Structures within 1000 feet of the property boundary
 - Current monitoring and control systems
 - Total landfill acreage
 - Total acreage permitted for landfilling
 - Existing and proposed final limits of waste
- 2) Topographic maps, drawn to scale, with maximum contour intervals of two (2) feet, showing:
 - Pre-landfill and post-excavation topography
 - Current topography
 - Proposed final grading
- 3) An estimate of the maximum extent of the site that will require closure at any given time during the landfill life.
- 4) A description of the current monitoring and control systems at the landfill.
- 5) A description of the current land uses (including zoning and map numbers) within one mile of the permitted area.
- 6) A description of the proposed postclosure land use.
- 7) An estimate of the closure date, and supporting volumetric calculations accounting for settlement and cover material usage.
- 8) General description of the methods, procedures and processes to implement closure, including personnel, equipment, and materials necessary for each aspect of closure. At least the following activities should be addressed, accompanied by time estimates for each task:
 - Removal of structures
 - Decommissioning of environmental controls
 - Site security
 - Final cover placement and source identification
 - Final grading

- Final site face and stability report
- Installation of drainage controls
- Slope protection and erosion controls
- Leachate control measures
- Groundwater monitoring network
- Gas monitoring and control systems

9) A closure cost estimate pursuant to 27 CCR 21769.

10) Description of how the proposed design, monitoring, or control methods support the performance standards.

11.9.3 Final Closure Plan Requirements and Contents

The final closure plan will include detailed plans, schedules, and cost estimates for landfill closure activities, allowing the CIWMB and the SCL-LEA to easily monitor progress and assure that the regulatory requirements are met through implementation of an approved plan. The final closure plan shall address at least the following items:

1) A landfill location map, showing:

- Property boundaries
- On-site structures
- Entry roads
- Structures within 1000 feet of the property boundary
- Current monitoring and control systems
- Total landfill acreage
- Total acreage permitted for landfiling
- Existing and proposed final limits of waste

2) Topographic maps, drawn to scale, with maximum contour intervals of two (2) feet, showing:

- Pre-landfill and post-excavation topography
- Current topography
- Proposed final grading

3) A description of the current monitoring and control systems at the landfill.

- 4) A time schedule indicating the sequence of closure.
- 5) A detailed description of the methods, procedures and processes to implement closure, including personnel, equipment, and materials necessary for each aspect of closure. At least the following activities should be addressed, accompanied by time estimates for each task:
 - Removal of structures
 - Decommissioning of environmental controls
 - Site security
 - Final cover placement and source
 - Final grading
 - Final site face stability report
 - Installation of drainage controls
 - Slope protection and erosion
 - Leachate control and monitoring measures
 - Groundwater monitoring network
 - Gas monitoring and control systems
 - A construction quality assurance proposal
- 6) Closure cost estimate.
- 7) Detailed schedule for disbursement of funds for closure, either in advance of closure activities, or for reimbursement of expenditures in accordance with the closure plan.
- 8) Description of how the proposed design, monitoring, or control methods support the performance standards.

The SCL-LEA utilizes a CIWMB checklist for evaluating Closure and Post-closure Maintenance Plans. The CIWMB checklist for evaluating Closure and Post-closure Maintenance Plans can be found on the CIWMB website, LEA Permit Toolbox at the following address: www.ciwmb.ca.gov/PermitToolbox/

11.9.4 Closure Cost Estimates

The operator will provide the SCL-LEA and the CIWMB with cost estimates, in current dollars, for all activities and materials necessary to close a landfill. The cost estimates shall be sufficient such that the actual landfill closure shall not exceed the estimates. An additional contingency factor will be applied to the cost estimates to allow for unforeseen expenditures that may occur during the closure activities. The operator shall periodically revise the estimates, to account

for any changes in the landfill development having an impact on closure materials, equipment, or procedures.

In accordance with the level of detail required, closure costs estimates shall include, but are not limited to the following:

- Final cover, including material volume and type.
- Geosynthetic membrane costs.
- Cost of construction quality assurance.
- Cost of revegetation.
- Costs to design, drill, and install the following:
 - Gas control system.
 - Groundwater monitoring system.
 - Leachate control system.
 - Drainage installations.
- Addition and/or removal of security measures.
- Removal of structures and environmental control systems.
- Costs of developing final closure and postclosure maintenance plans.

11.9.5 Preliminary Postclosure Maintenance Plan Requirements and Contents

The preliminary postclosure maintenance plan shall identify the postclosure monitoring, maintenance, and inspection costs. This will facilitate preparation of annual postclosure costs (which must be certified by a registered civil engineer), and enable the SCL-LEA and CIWMB to evaluate the cost estimates.

The preliminary postclosure plan must include at least the following information:

- 1) A description of the current monitoring and control systems.
- 2) A description of the planned uses of the property during the postclosure maintenance period.
- 3) A general description of the methods, procedures, and processes to maintain, monitor, and inspect the closed landfill during the postclosure period, addressing at least the following:
 - A program to maintain the integrity and effectiveness of the final cover, including repairs as necessary.
 - A program to inspect and maintain the drainage system to prevent run-on and run-off from adversely affecting the final cover.
 - A program to maintain and inspect the vegetative cover required for slope protection and erosion control.

- A program to inspect and maintain the leachate control system.
- A program to maintain and inspect the gas monitoring network and gas control systems, to ensure detection and control of migrating landfill gases.
- A program to inspect and maintain the groundwater monitoring network.
- A program to inspect and maintain the final grading at the site to prevent ponding and minimize infiltration.
- Postclosure maintenance cost estimates.
- The preliminary postclosure plan shall describe how the proposed design, monitoring, or control method supports the performance standards.
- Description of how the integrity of the final cover is compatible and will be maintained with the proposed post-closure land use.

11.9.6 Final Postclosure Maintenance Plan Requirements and Contents

The final postclosure plan will: 1) include a detailed plan for the inspection, maintenance, and monitoring of the landfill during the postclosure maintenance period, 2) form a basis for the operator in establishing accurate cost estimates for maintaining the site, and 3) allow the SCL-LEA and the CIWMB to monitor the postclosure plan activities. The postclosure plan may encompass the entire landfill, or only those discrete landfill units being closed.

The final postclosure plan will be composed of several sections, each addressing various items. The final postclosure plan shall address at least the following items:

- 1) Names, addresses, and phone numbers of persons responsible for each aspect of the postclosure maintenance.
- 2) As-built descriptions of the current landfill monitoring and collection systems.
- 3) Monitoring tasks, frequencies, and methods of analysis.
- 4) A description of each recovery system, its operation, and collection frequency.
- 5) Method of storage, treatment and disposal of all materials collected or recovered.
- 6) Requirements for reporting the results of the monitoring and collection.
- 7) A detailed description of the methods, procedures, and processes to maintain, monitor, and inspect the closed landfill during the postclosure period, addressing at least the following:
 - a) A program to maintain the integrity and effectiveness of the final cover, including repairs as necessary.
 - b) A program to inspect and maintain the drainage system to prevent run-on and run-off from adversely affecting the final cover.
 - c) A program to maintain and inspect the vegetative cover required for slope

protection and erosion control.

- d) A program to inspect and maintain the leachate control system.
 - e) A program to maintain and inspect the gas monitoring network and gas control systems, to ensure detection and control of migrating landfill gases.
 - f) A program to inspect and maintain the groundwater monitoring network.
 - g) A program to inspect and maintain the final grading at the site to prevent ponding and minimize infiltration.
- 8) Proposed postclosure land use and construction procedures.
 - 9) Postclosure cost estimates, in accordance with 14 CCR 18266.
 - 10) An emergency response plan, in accordance with 14 CCR 17766.
 - 11) As appropriate, the preliminary postclosure plan shall describe how the proposed design, monitoring, or control method supports the performance standards.

11.9.7 Postclosure Maintenance Cost Estimates

The operator will provide the SCL-LEA and the CIWMB with postclosure cost estimates, in current dollars, to maintain, monitor, and inspect the closed landfill during the postclosure maintenance period. The estimates will address costs for design, materials, equipment, labor, and administration to monitor, maintain and inspect the closed site. The operator will provide amended cost estimates if landfill conditions so warrant. Annual postclosure cost estimates shall address at least the following:

- 1) Cost to maintain vegetation.
- 2) Cost to measure, operate, inspect and maintain:
 - a) Leachate collection and recovery systems
 - b) Gas collection and recovery systems
 - c) Groundwater and vadose zone monitoring networks
 - d) Facility drainage systems
- 3) Annual costs to maintain the final cover integrity
- 4) Annual inspection costs, including frequency, for the following:
 - a) Final cover
 - b) Final grading
 - c) Gas and groundwater monitoring systems
 - d) Leachate control systems
 - e) Site security (fences, gates, signs)
 - f) Vectors, fire, and litter control

11.10 FINANCIAL ASSURANCE REQUIREMENTS

Operators of solid waste landfills are required to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities. This financial responsibility is essential for providing long-term assurance that the solid waste landfills will be closed and maintained during the postclosure period in a manner protective of public health and safety, and the environment from pollution due to disposal of solid wastes.

The cost estimates for the final closure plan shall be increased by a factor of 20% to account for cost over-runs due to unforeseen circumstances. For the final postclosure plan, the cost estimates shall be determined by multiplying the annual cost by a factor of thirty (30). Financial assurance can be provided by the operator through one or a combination of acceptable mechanisms. The financial responsibilities for closure and postclosure maintenance should address the following issues:

- 1) Amount of Required Coverage
- 2) Acceptable Mechanisms and Combinations of Mechanisms
(Title 27, Section 22240 et seq)
 - a) Trust Fund
 - b) Enterprise Fund
 - c) Government Securities Government Securities
 - d) Letters of Credit
 - e) Surety Bond
 - d) Financial Means Test
 - e) Pledge of Revenue
 - f) Guarantee
- 3) Corrective Action Financial Assurance

11.11 CLOSURE AND POSTCLOSURE PLAN APPROVAL PROCEDURES

This section provides a comprehensive summary of the procedures for obtaining regulatory approval of preliminary and final closure and postclosure maintenance plans. Title 14 / Title 27 of the California Code of Regulations should be consulted as necessary.

11.11.1 Application Review Procedures

An application for review and approval of the preliminary (27 CCR 21790) and final closure and postclosure maintenance plans (27 CCR 21800) shall contain the following information:

- The appropriate plan, containing all required elements.
- Updated (current) cost estimates.
- Updated (current) demonstration of financial responsibility.

The purpose of the preliminary closure plan is to provide a basis for the operator to establish a preliminary estimate of closure costs certified for accuracy by a registered civil engineer or certified engineering geologist, and enable the CIWMB to assess the reasonableness of the cost estimate for non-water quality aspects of closure.

The plan shall identify the steps necessary to complete landfill closure and shall include, but is not limited to, the following information:

- (1) a closure cost estimate pursuant to section 21820;
- (2) location maps indicating property boundaries and the existing, permitted, and proposed final limits of waste placement; entry roads; and structures outside the property boundary but within 1000 feet of the property boundary. A location map shall also be included showing the general location of the landfill;
- (3) a location map of the current monitoring and control systems including: leachate control and drainage and erosion control systems as required pursuant to chapter 3 (section 20180 et seq.); landfill gas monitoring and control systems as required pursuant to chapter 3 (section 20180 et seq.);
- (4) a description of proposed postclosure land uses;
- (5) an estimate of the maximum extent of the landfill that will ever require closure at any given time during the life of the landfill;
- (6) an estimate of the closure date based on volumetric calculations, including supporting documentation. The estimate shall account for the effects of settlement and for volume occupied by daily cover material; and
- (7) a preliminary description of closure activities including schedules for implementation. The activities described shall include, but are not limited to:

- (A) site security and structure removal pursuant to sections 21135 and 21137;
- (B) final cover and grading pursuant to sections 21140 and 21142. The description shall include type of materials and estimate of the volume or amount needed of each type of material. If on site materials are planned for use in the final cover for the low permeability layer, test results confirming the suitability of such materials shall be included;
- (C) construction quality assurance methods pursuant to sections 20323 & 20324;
- (D) drainage and erosion control systems pursuant to section 21150;
- (E) landfill gas monitoring and control systems pursuant to Article 6, Subchapter 4, Chapter 3 (section 20920 et seq.);
- (F) leachate monitoring and control measures pursuant to section 21160.

The purpose of the final closure plan is to provide a basis for the operator to establish an accurate detailed estimate of closure costs certified for accuracy by a registered civil engineer or certified engineering geologist, enable the CIWMB to assess the reasonableness of the cost estimate for non-water quality aspects of closure, provide a detailed plan and schedule for the operator to implement upon closure of the landfill, and allow monitoring of closure activities to determine that all requirements of landfill closure have been implemented in accordance with the appropriate plan.

The final closure plan shall include, but is not limited to, a detailed description of each item contained in section 21790(b)(1) through (b)(8). In addition, the final closure plan shall include a detailed description of the sequence of closure stages, giving tentative implementation dates.

The final closure plan shall also include a detailed schedule for disbursement of funds for closure activities from a trust fund, or enterprise fund if applicable, for either:

- (1) advance payment for activities to be performed in accordance with the plan, or
- (2) reimbursement of costs paid for activities performed in accordance with the

plan

Within 30 days of receipt, each of the aforementioned reviewing agencies will determine whether the application package is complete, and notify the operator in writing. If the application is incomplete, the written notification will identify the specific information required to complete the application. The application is considered incomplete if any of the reviewing agencies makes such a determination, and the application will be rejected for filing. If any of the reviewing agencies fails to provide written notice to the applicant within the 30-day period, the application is deemed complete by that agency.

The operator may appeal a determination of incomplete application, in writing to the independent hearing panel. When the application is complete for filing, the SCL-LEA shall tabulate the costs incurred for agency review.

11.11.2 Public Notice Procedures

Within 10 days of receipt of the final closure and postclosure maintenance plans, the SCL-LEA will mail notices of receipt to the following agencies/parties:

CIWMB
RWQCB
SCAQMD
Other Regulatory Agencies (as appropriate)
Persons requesting notice

The notices will include the location and availability of the plans, and invite comments. The addressee for comments, and the date by which they must be received will be included. Any responses received by the SCL-LEA within the 45 days (from plan receipt) allotted for public comment will be forwarded to the CIWMB (with verification of receipt) within 10 days of the close of the comment period. The SCL-LEA will maintain a list of pending applications for closure and post-closure plan review. This list will be made available to the public at the CIWMB and SCL-LEA offices during normal business hours.

11.11.3 Plan Evaluation Responsibilities

The CIWMB, RWQCB, and the SCL-LEA are responsible for ensuring that the closure and postclosure maintenance plans comply with the applicable requirements of the California Code of Regulations. The SCL-LEA and the CIWMB are responsible for ensuring that appropriate environmental

documentation supports the project, and that the Notice of Determination, signifying compliance with CEQA, is filed with the Office of Planning and Research.

The SCL-LEA is responsible for ensuring that the plans are in compliance with the SWFP conditions, as well as local ordinances, and planning and zoning requirements.

The RWQCB will review the plans for consistency with the regulations contained in Title 27, which pertain to protection of water quality.

The CIWMB will be responsible for reviewing the cost estimates provided by the operator and that the plans are in compliance with 27 CCR.

11.11.4 Procedures for Approval of Preliminary Plans

For preliminary closure and postclosure maintenance plans, the CIWMB, the SCL-LEA, and the RWQCB will prepare written comments (within 120 days of plan receipt) regarding the contents of the plans, and those items which are deficient or inaccurate. The CIWMB will review all the comments and attempt to resolve any inconsistencies. Within 120 days of receipt of the plans, the SCL-LEA and the RWQCB will submit to the CIWMB a written record of approval or denial of the plans.

If denial of the submitted plan is imminent, one or more of the approving agencies, in coordination with the SCL-LEA, may enter into negotiations with the operator to resolve any differences. Any remaining issues causing denial must be supported by detailed explanations.

Within of the receipt of these determinations, the CIWMB notify the operator in writing of plan approval or denial. A denial will be supported with specific items deemed deficient or inaccurate. The operator will be required to submit a revised plan, and begin the process again.

11.11.5 Procedures for Approval of Final Plans

The schedule for review and approval must conform to provisions of this section. An alternative schedule may be proposed by the operator provided it complies with applicable statute and the SCL-LEA, RWQCB, and CIWMB concur.

The SCL-LEA shall coordinate the review of the closure and postclosure maintenance plans if the other reviewing agencies concur. SCL-LEA shall coordinate all phases of the plan review and perform the duties as delineated in this section. The coordinating agency shall be responsible for coordinating the resolution of any conflicts among the reviewing agencies and to coordinate with the operator to facilitate approval of the plans.

Within 30 days of receipt, closure and postclosure maintenance plans shall be deemed complete by default unless the RWQCB, the SCL-LEA, or the CIWMB determines and informs the operator that the plan is incomplete pursuant to applicable CIWMB and RWQCB requirements. If determined to be incomplete, the SCL-LEA, the RWQCB, and the CIWMB shall provide to each other and to the operator a list of specific items missing from the submittal.

If the closure and postclosure maintenance plans are determined by the RWQCB, the EA, or the CIWMB to be incomplete, the operator shall resubmit revised closure and postclosure maintenance plans incorporating all items deemed to be missing from the prior submittal within 60 days following such determination, unless the EA, the RWQCB, and CIWMB approve an alternate schedule.

Within 120 days of receipt of complete closure and postclosure maintenance plans, the SCL-LEA, RWQCB, and CIWMB shall complete a detailed review of the submittal, and the reviewing agencies shall submit their comments to the coordinating agency. The complete closure and postclosure maintenance plans shall be deemed approved by that agency unless, within the specified timeframes (120 days for a reviewing agency, 130 days for the coordinating agency), a reviewing or coordinating agency determines and informs the operator that the plans cannot be approved because of lack of compliance with applicable CIWMB or SWRCB requirements. Within 10 days of receipt of the comments, the coordinating agency shall compile all comments and forward them to the operator.

If the closure and postclosure maintenance plans are disapproved by the SCL-LEA, the RWQCB, or the CIWMB, the operator shall resubmit revised closure and postclosure maintenance plans that ensure compliance with applicable requirements, within 60 days following such determination, unless the SCL-LEA, the RWQCB, and the CIWMB approve an alternate schedule.

The procedures review shall be repeated until all comments by the SCL-LEA, RWQCB, and CIWMB have been adequately addressed.

Within 10 days after determining that the closure and postclosure plans are in

compliance with applicable requirements, the SCL-LEA and the RWQCB shall inform the CIWMB by letter that they have approved the closure and postclosure maintenance plans. The RWQCB shall provide copies of any WDR adopted or revised as a result of the review and approval process.

Within 10 days of receipt of the approval letters from the SCL-LEA and the RWQCB, the CIWMB shall determine if an approval letter for the plans can be issued by the CIWMB. The CIWMB shall not approve the plans if the CIWMB determines that the closure and postclosure maintenance plans are not consistent with state minimum standards, inadequate due to substantive deficiencies in the plan or in the financial assurance mechanism, or the mechanism is not adequately funded for that point in the landfill's life.

If the CIWMB does not approve the closure and postclosure maintenance plans, it shall provide to the operator an explanation of its action and reasons for disapproval and shall provide notice to the EA and the RWQCB.

11.11.6 Plan Amendment/Revision Procedures

Preliminary closure and postclosure plans shall be submitted by the operator each time a permit review is conducted or a permit revision is applied for. The application, evaluation, and approval procedures shall be as previously discussed in this section. In addition, the SCL-LEA will conduct an inspection of the landfill to confirm the need for changes proposed in the amendment prior to submitting comments to the CIWMB. The amended plans should reflect any of the following, as applicable:

- 1) Changes in operation or design affecting implementation of the closure or postclosure maintenance plans.
- 2) Change in the anticipated closure date.
- 3) Change in the financial mechanism(s)
- 4) Cost estimate updates.
- 5) Changes in postclosure land use

11.11.7 Certificate of Closure

The operator shall submit to the CIWMB and the SCL-LEA, a certification that landfill closure has been completed in accordance with the approved final closure plan. The certification will include detailed as-built description of all environmental containment, monitoring, control, collection, and recovery systems remaining at the landfill during the postclosure maintenance period. Any operational or material management changes relative to these systems shall also be included. A registered civil engineer or certified engineering geologist must

prepare the records of inspection, and quality assurance and quality control demonstrations, in accordance with the approved Construction Quality Assurance procedures developed in accordance with 27 CCR 21440, 27 CCR 21142.

The operator shall submit a final set of “as-built” facility plans reflecting the actual final closure. Once the LEA has determined that closure was completed in accordance with the final approved closure plan and that the closure has met the quality control / quality assurance plan for closure, the LEA will issue a letter certifying the closure.

11.11.8 Plan Revision During Construction or Postclosure Maintenance

Following approval of the final closure and postclosure plans, any change must also obtain CIWMB and LEA approval.

11.11.9 Postclosure Land Use

Proposed postclosure land uses shall be designed and maintained to:

- (1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;
- (2) prevent public contact with waste, landfill gas and leachate; and
- (3) prevent landfill gas explosions.

Project proponents are required to submit a description of the proposed development as part of the revision of the Closure and Postclosure Maintenance Plan. The revised Closure and Postclosure Maintenance Plan are required to show that the proposed developments do not adversely impact the final cover and the environmental controls. The Closure and Postclosure Maintenance Plan must be revised to account for the proposed change in land use.

The SCL-LEA works cooperatively with the City of Los Angeles Planning Department and the Department of Building and Safety, County of Los Angeles Planning Department, County Public Works Department, and other State regulatory agencies (i.e., Regional Water Quality Control Board, Air Quality Management District, etc.) to insure that developments on landfills and developments within 1000 feet of landfills are reviewed with the SCL-LEA (and other appropriate regulatory agencies).

The SCL-LEA reviews project documentation of developments on landfills and

within 1000 feet of the landfill to determine the adequacy of mitigation measures to deal with landfill gas migration. The City of Los Angeles Building and Safety has specific local technical methane mitigation measures that must be incorporated. The City of Los Angeles Methane Ordinance describes the minimum standards and the Department of Building and Safety procedures. The methane ordinance is located in Division 71, Article 1, Chapter IX of the City of Los Angeles Municipal Code, and a copy of the ordinance is provided in the attachments to this Section of the EPP.

Project proponents are required to obtain from the SCL-LEA a "Plan Approval" stamp on blueprints and other project documents describing the methane mitigation measures proposed to protect any proposed structures before submitting the documents to the City of Los Angeles Department of Building and Safety.

The evaluation protocols utilized by the SCL-LEA to evaluate the proposed methane mitigation measures are based up the minimum State Standards, and also the local standards described in Division 71, Article 1, Chapter IX of the City of Los Angeles Municipal Code. When the codes are in conflict, the LEA applies the standards that are more restrictive (provide a better level of protection).

11.11.10 Release From Postclosure Maintenance

After a minimum period of thirty years (after closure certification of the entire landfill), the operator may be released from the postclosure maintenance upon demonstration to, and approval from the CIWMB, the LEA, and the RWQCB that the landfill no longer poses a threat to public health, safety and the environment.

SECTION 12

INSPECTION AND ENFORCEMENT PROCEDURES

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Attachment:

Sunshine Canyon Local Enforcement Agency Mediation Process
Independent Hearing Panel Procedures
Inspection Form Table

Section 12.0

INSPECTION AND ENFORCEMENT PROCEDURES

12.1 INSPECTION AND ENFORCEMENT POLICY AND OBJECTIVES

Inspection of Sunshine Canyon Landfill is essential in assuring compliance with the state minimum standards and Solid Waste Facility Permit (SWFP) conditions and local permit conditions / requirements. If facility non-compliance is determined, enforcement procedures may be implemented to assure corrective action by the operator. This section outlines procedures recommended for conducting site inspections and enforcing regulatory requirements. The following documents, enforced and/or developed by the California Integrated Waste Management Board (CIWMB) are incorporated into this document by reference, and are considered the resource documents for implementing procedures summarized in this section, unless superseded by more current versions, which then will become applicable:

- California Code of Regulations, Title 14 (14 CCR)
- California Code of Regulations, Title 27 (27 CCR)
- Public Resources Code, Division 30 (30 PRC), January 1992
- LEA Advisories (CIWMB Website), Guidance Documents
- Enforcement Program Plan (EPP)
- County and City Permit Conditions

These documents and references will be consulted as necessary in conducting all SCL-LEA inspection and enforcement activities.

12.1.1 Inspection and Enforcement Policy

In accordance with the CIWMB enforcement policies, the “Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA), will conduct facility inspections as a means for determining compliance with the Solid Waste Facility Permit (SWFP) conditions (which establish limits on the design and operation of facilities) and the state minimum standards (which protect public health and safety, and the environment). The SCL-LEA will also enforce the permit provisions and permit conditions in the City and County conditional land use permit that directly impact the health and safety of the public, and that directly impacts the health and safety of the design, operations, maintenance, closure, and postclosure maintenance activities of the landfill. The primary enforcement authority rests with the SCL-LEA, who is responsible for pursuing the appropriate response for

violation of any state minimum standard, permit condition, land use conditions that are related to health and safety of the public, and that directly impacts the health and safety of the design, operations, maintenance, closure, and postclosure maintenance activities of the landfill or local solid waste regulations/ordinances. If a violation is determined, the SCL-LEA will take appropriate enforcement actions, as described in this section of the Enforcement Program Plan (EPP).

12.1.2 Inspection and Enforcement Objectives

The SCL-LEA will conduct inspections of solid waste facilities and based on conditions observed at the time of inspection issue enforcement Notices and Orders as necessary to maintain facilities in compliance with SWFP conditions and current applicable regulations.

Field inspection data serve as the foundation upon which SCL-LEA and CIWMB enforcement actions are initiated. In addition, as a secondary objective, it is only through an inspection program that the SCL-LEA and the Board can ascertain that the public health and safety and the environment are being adequately protected at solid waste facilities by the uniform enforcement of State Minimum Standards.

12.2 INSPECTION PROCEDURES

Field inspections allow the SCL-LEA to assess the SWFP compliance status and obtain a database upon which potential future enforcement actions will be initiated. In addition, facility inspections will allow the SCL-LEA to ascertain that adequate protection of the public health, safety, and the environment is being provided.

It is therefore imperative that much care be taken in the preparation and conduct of each facility inspection. Before going into the field, the SCL-LEA inspector will complete all inspection preparation tasks (as described in the following paragraphs), and have all necessary field equipment on hand. All established safety precautions will be adhered to. No SCL-LEA personnel will be authorized by the "Authority" to conduct any activities which are knowingly dangerous or unsafe.

Following the inspection, the SCL-LEA inspector will carefully prepare a report including field activities and observations, with particular attention focused on compliance with permit conditions and state minimum standards.

12.2.1 Inspection Frequencies

The SCL-LEA will inspect Sunshine Canyon Landfill on a weekly basis, but

inspectors will be present at the facility every operating day as required by local land use conditions. As described in Section 13 of this document, additional inspections will be completed as necessary. The prescribed minimum inspection frequencies will be as follows:

- Weekly
- As necessary to verify facility conditions upon receipt of a permit application, revision, modification, review or closure application.
- Upon receipt of a complaint or emergency which cannot be resolved off-site, as described in Section 13 of this document.
- Quarterly for landfill facilities being maintained in postclosure.
- As necessary to assure that corrective action or other enforcement measures are being implemented when required by the SCL-LEA
- As necessary to confirm that previous violations have been corrected within the established time frame for achieving compliance.

12.2.2 Medical Monitoring Program

Prior to conducting site visits, all field staff must be physically fit for field activities that may require substantial physical effort. This requirement is for the protection of both the employee, the County and the City.

The extent of the medical monitoring physical may be required will be determined by the SCL-LEA, the Authority and appropriately qualified individuals.

12.2.3 Inspection Preparation Procedures

All facility inspections should be treated as though they are the initial step in the enforcement process. Therefore, prior to conducting the initial facility inspection, the SCL-LEA will complete the following tasks:

- Gather and Review Data
- Become familiar with the most current, valid operating permit and associated technical documents.
- Become familiar with the facility maps. If none are available, one should be obtained (or drawn by the inspector) during the inspection.
- Read site correspondence to identify important issues and key personnel.
- Review past inspection reports for information regarding previous violations and chronic site problems.
- Review Waste Discharge Requirements (WDRs) issued by the Regional Water Quality Control Board (RWQCB).
- Review available aerial photos so that unpermitted changes can be

identified.

- Review available newspaper articles for facility history and public perceptions.
- Consult staff of the RWQCB, the CIWMB, the South Coast Air Quality Management District (SCAQMD), and other agencies with jurisdiction over site activities for additional information.
- Choose an Inspection Date
- The SCL-LEA inspector will conduct unannounced inspections of the facility for the purpose of a random inspection or in the event of an emergency.
- For 18-month inspections to be coordinated with CIWMB staff, the inspection will be scheduled at least two weeks in advance.
- Inspections should allow observation of station operations in all types of weather. For example, inspections during wet weather will allow observation of the adequacy of drainage structures, while hot or humid weather may give some indication of odor or vector problems. The site will not be inspected during weather conditions which may adversely impact inspector safety or grossly reduce the ability to ascertain site conditions.
- Obtain, check, and calibrate field evaluation and safety equipment
- SCL-LEA inspectors may carry an organic vapor analyzer (OVA) on facility inspections. The OVA battery will be checked, and the instrument calibrated in accordance with manufacturer's instructions to ensure its ability to measure explosive gases.
- Precision altimeters (accurate to one foot) will be checked for working order and used during the inspection if the SCL-LEA suspects that the disposal site is exceeding its permitted elevation.
- The SCL-LEA inspector will check and prepare all necessary safety equipment, including respirator and filter cartridges, Draeger tubes, and protective clothing as applicable.

12.2.4 Timing and Duration of Regular Inspections

The SCL-LEA inspector will conduct facility inspections over his/her entire workday (with time allotted for a lunch break) at the Sunshine Canyon Landfill and the surrounding areas. CIWMB annual inspections should include arrival at the facility prior to opening, and continue until facility closing, the SCL-LEA procedures may deviate slightly from this practice. Since part of the Sunshine Canyon Landfill is undergoing closure and post-closure maintenance, part of the inspection process will be to assess these activities.

The inspector will verify the posted hours of operation, check site security, and observe other activities regulated through SWFP conditions.

12.2.5 Procedures for Interacting with Site Personnel

The inspector will arrange with the operator a convenient time to discuss preliminary inspection findings with site personnel and review any facility records. The SCL-LEA inspectors will be courteous and professional during all interactions with facility staff.

If inspectors have been denied access to all or parts of the facility or its records this should be immediately reported to the SCL-LEA supervisory office. If adversarial confrontation or opposition from facility personnel should occur, the inspector will note the names and/or descriptions of the responsible individuals, and contact the SCL-LEA supervisory personnel immediately. The inspector will complete a report of events, which will be discussed with SCL-LEA supervisory personnel to determine appropriate follow-up measures. These measures may include calls to facility contact persons, or more formal legal steps, depending upon the nature and severity of the opposition.

12.2.6 General Inspection Procedures

In accordance with staff health and safety training, all appropriate precautions contained in the Injury and Illness Prevention Plan and prescribed during the instructive courses and seminars will be followed by SCL-LEA personnel when carrying out field and inspection related duties.

Included as a chart after this sub-section is a list of field equipment items to be used in conducting site investigations. The equipment will be used in a manner consistent with the field inspector training courses prescribed in Section 10.

Field notes will be used to record results of all on-site measurements, sample analyses, and performance standard evaluations. To ensure proper recordkeeping, the field notes will include the inspection date, facility file number, page numbers, and signature of the SCL-LEA inspectors.

Photographs provide the best documentation of site conditions, each photo should clearly depict the particular violation or facility feature of interest. To provide the viewer an accurate scale, a commonly sized object should be included in the photo. It is also important that telephoto or wide angle camera lenses (which distort scale) not be used for inspection photos. Digital photographs can be used for documentation. Should "evidence" be needed for enforcement proceedings, duplicate photographs will be taken with a film camera. The reverse side of the photos will be dated, and the facility name and pertinent field notes transferred as

soon as they are received by the SCL-LEA inspector.

Maps and facility drawings can be used to document the site layout, note areas of violation, and record position and direction of site photographs. The SCL-LEA inspector should carry a compass during the facility inspection, so that the northern direction can be ascertained. Actual distances between key points may be determined when necessary from hip chain measurements or other measuring devices.

Equipment List

PERSONAL ISSUE	<ul style="list-style-type: none">• Hard hat• Safety vest• Rain gear (hat, coat, pants, neoprene safety boots)• Coveralls (two pairs)• Leather work gloves• Particle masks• Safety glasses• Ear plugs• Safety boots• Compass• Aluminum inspection clipboard• Equipment carrier (soft-sided)
Onsite Office Issue	<ul style="list-style-type: none">• Camera (including data back)• Combustible gas meter or equivalent• Hip chain• Clinometer• Binoculars• GPS Equipment• Field first aid kit• Thermometer• pH meter• Electrical conductivity meter• Range finder• Hach water testing kit or equivalent• Gloves (neoprene, nitrile or PVC)• Slide film and slide protector sheets• Batteries

AS NEEDED ISSUE	<ul style="list-style-type: none"> • Organic Vapor Analyzers (OVAs) or equivalent • Combustible self-aspirating gas meter or equivalent • Combustible dual range & oxygen meters • Precision altimeters • Scudder fly grills and rat traps • Gas driven impulse hammer and drillers pipe • Bar hole punch • Light table
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12.2.7 Procedures for Inspecting Active Disposal Sites

The inspector will drive to the landfill working face. Depending upon the time of arrival, the inspector may observe either the condition upon closure of the previous day, or the current landfilling methods. Notes will be included on the checklist during the inspection, and photos or slides will be taken to document facility activities and features.

The inspection shall address all areas required by State minimum standards. The following areas should be inspected as part of the weekly inspection:

- Working Face
- Site Perimeter
- Gatehouse/Office Area
- Recycling/Salvage Areas
- Landfill Surface
- Equipment Maintenance Yard
- Operational Layout / Procedures
- Landfill Gas Monitoring
- Closure Areas
- Surrounding Neighborhoods

The SCL-LEA attire for a landfill inspection will include hard hat, safety boots, safety vest, and safety glasses. Gloves, ear protection and dust masks should be available with all other safety equipment available in the inspector's vehicle.

12.2.8 Procedures for Inspecting Closed Disposal Sites

The inspection shall address all areas required by State minimum standards. The

SCL-LEA inspection will inspect the closed portions of the landfill and assessing the following (if applicable):

- Security for closed Areas
- Final Cover
- Final Grading
- Final Drainage
- Slope Protection and Erosion Control
- Leachate Control
- Groundwater Monitoring
- Gas Monitoring and Control
- Facility Maintenance

12.2.9 Exit Interview Procedures

Following the facility inspection, but before leaving the site, the SCL-LEA inspector will prepare for the exit interview. The inspector will review the field notes and focus any questions he/she may have for the operator, and will try to anticipate questions the operator may have.

The exit interview with the operator's on-site representative will allow the inspector to courteously and tactfully discuss his/her observations and preliminary findings, including facility strong points and potential violations. The inspector may leave a completed copy of the checklist with the operator, which will serve as a Warning Notification if violations or areas of concern have been determined. Inspector comments will be based on straightforward interpretation of the applicable rules, regulations, and permit conditions, and will never include recommendations for specific methods or contractors to correct identified violations.

If reporting in accordance with Proposition 65 is required, the operator will be notified of the inspector's findings during the exit interview.

12.2.10 Standard Conduct for SCL-LEA Staff

The SCL-LEA inspectors and staff will carry out their duties in a responsible, honest, courteous, and diligent manner, establishing good working relationships with other local government personnel and regulatory personnel, officials, and the public. Situations may occasionally arise which, if improperly handled by SCL-LEA representatives, could give the appearance of impropriety, favoritism,

bias, or conflict of interest. Therefore, no SCL-LEA employees will accept or solicit gifts, entertainment, favors, meals, loans, or any item of value from any person or entity that may give the slightest appearance of impropriety. Any person failing to obey these or general City or County employee professional ethics procedures may be subject to disciplinary action including suspension or dismissal from his/her duties.

12.3 Inspection Reporting and Follow-Up Procedures

This section addresses the reporting procedures which follow the actual inspection activities, including Proposition 65 Notification, preparation of the inspection report, and administrative aspects associated with inspection documentation.

- The inspection report is the culmination of the field evaluation efforts, serving as a possible foundation for future enforcement actions by the SCL-LEA and/or the CIWMB. The inspection report may also form the basis for requiring a SWFP revision or modification application from the operator.
- Completion of inspection activities includes recordkeeping and filing tasks, and may include follow-up inspections to verify correction of any noted violations. These procedures are also described in this section.
- If actual or threatened hazardous waste discharges are identified by the SCL-LEA inspector, it will be noted in the facility inspection report. In addition, a Proposition 65 Notification form will be completed and included in the SCL-LEA Master Files, with copies immediately distributed to the appropriate entities.

12.3.1 Proposition 65 Reporting

In 1986, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) was passed into law. Proposition 65 contains numerous provisions for protecting the public from exposure to chemicals that cause cancer, birth defects, or other reproductive harm. It also requires that all designated government employees disclose actual or threatened illegal discharges of hazardous waste to the appropriate Board of Supervisors and local health officer if substantial injury to the public is likely to occur. Failure to disclose may result in imprisonment and/or substantial fines.

The applicable sections of the Health and Safety Code will be reviewed in detail by SCL-LEA field staff at least once every twelve months. The following summarizes the importance of Proposition 65, as it pertains to the SCL-LEA inspection and reporting responsibilities:

- Any designated government employee who, in the course of his official duties, identifies the actual or threatened illegal discharge of a hazardous waste (to land, water, or air) within his area of jurisdiction, and is aware that substantial injury to the public health and safety is likely to result, must disclose such information to the Board of Supervisors and the local health officer within 72 hours.
- No disclosure is required when otherwise prohibited by law, or when such disclosure would adversely affect an on-going criminal investigation, or the information is already general public knowledge within the locality affected by the actual or threatened discharge.
- For purposes of this Act, the following definitions are applicable:
 - *Designated Employee* - having a position which entails making decisions which may have a foreseeable material effect on any financial interest. Designated employees are required to complete annual conflict of interest forms.
 - *Illegal Discharge* - is an unlawful, unpermitted discharge which is not in conformity with an applicable regulation or statute and is not authorized by permit. A *threatened illegal discharge* is an indication, based on available facts and data, that an unlawful unpermitted discharge is likely to occur.
 - *Hazardous Waste* - as defined by Section 25117 of the Health and Safety Code
 - *Substantial injury* to the public health and safety is considered *likely* to result if there is risk of injury to public health and safety.
 - The *72 hour time period* shall mean three days, including weekends and holidays.

The Notification form will be completed to the extent possible, with the facility SWIS number entered as the Agency File Number in the upper right corner. Copies of the Notification will be distributed to the following entities:

- Los Angeles County Board of Supervisors
500 West Temple Street, Room 383
Los Angeles, California 90012
(213) 974-1411
- Los Angeles County Health Department
313 North Figueroa Avenue
Los Angeles, California 90012
(213) 974-8101

- CIWMB Coordinator for County Notification
California Integrated Waste Management Board
1001 "I" Street
Sacramento, CA 95812
(916) 341-6000

12.3.2 Hazardous Material Exposure Reporting

For any suspected job-related exposure to hazardous constituents, which may have caused health impacts to an SCL-LEA employee, a report shall be completed by the individual in accordance with the procedures delineated during the job safety training program and in compliance with the employee's personnel procedures. Any follow-up including medical examinations may be required at that time.

12.3.3 Inspection Report Writing Guidance

The SCL-LEA inspector will complete the appropriate checklist during the inspection. The checklist will include inspection observation notes, completed during field activities and supported by additional documentation, referenced as necessary.

The inspection report will contain a concise and clear description of the information obtained or observed during the field investigation, supported by photographs, and additional documentation as necessary. The inspection report should be written in a factual manner, devoid of any emotional interpretation, since it will be made available for review and reference by in-house staff, the public, city officials, other regulatory agencies, and/or legal representatives. The following presents a summary of the inspection report contents:

- Date and time
- Description of observations
- The names and phone numbers of key facility staff contacted.
- Field test results, measurements and any other notes included on the inspection checklist.
- A site map of the facility (if required to show location of "issue")
- Any photographs taken to document conditions at the site
- Use GPS coordinates to pinpoint location(s) (if required to show location of "issue")

12.3.4 Inspection Report Format

When back at the office, the inspector should immediately submit the site photos for development, and organize all notes and data. Next, the inspector will discuss with SCL-LEA supervisor the observed facility features, any violations, and other key issues, in order to determine follow-up actions by the SCL-LEA.

The inspection report forms were designed to allow expedited review, while addressing all necessary regulations, and encouraging only essential comments, descriptions and references. The report forms should be completed in the following manner:

- Check the appropriate box to indicate a violation or an area of concern;. The SCL-LEA inspector will immediately review the appropriate code section if he/she is at all unclear of its content.
- Briefly explain all violations or areas of concern in the comments section, and note map or photo references here as necessary. Additional pages may be attached if needed.

12.3.5 Inspection Report Completion and Distribution Procedures

Absent of any immediate threat to public health and safety and the environment, within 15 days of the inspection, the inspector will complete and submit a package containing the following documents to the designated SCL-LEA supervisor (and legal counsel, if appropriate) for review and approval:

- Inspection report
- Photos (if necessary)
- Maps (if necessary)
- Other supporting documents (if necessary)

After approval by the SCL-LEA supervisor, a final version of the documents listed above will be prepared for final signatures and initials. The inspector will sign the map and each sequentially numbered page of the report. Within 30 days of the inspection, the SCL-LEA will forward a copy of these items to the CIWMB, the operator, other responsible agencies (as necessary), and persons so requesting.

12.3.6 Inspection Follow-up Procedures

Recurring violations are addressed in the enforcement section 12.5. Otherwise, if chronic or serious violations are determined by the inspector, a compliance agreement and action plan for remedying these deficiencies will be requested of the operator. If requested, the SCL-LEA will clarify for the operator (in writing

or in person) the noted violation, and the inconsistency with applicable requirements. The requested action plan must include the following items:

- A delineation of the activities, resources, equipment, and personnel for achieving compliance.
- A schedule, with specific dates for progress reporting and completion of each compliance required.
- A program, complete with a quality control plan, to assure the SCL-LEA of continued compliance.

The SCL-LEA will conduct follow-up inspections at the next weekly inspection until the violation is mitigated, or at other frequencies in accordance with the action plan submitted by the operator to remedy these items. The SCL-LEA inspector will memorialize his/her findings regarding the status of facility compliance, violations, and/or areas of concern through use of the inspection and report forms. Full copies of the inspection documentation will be delivered to the operator and the CIWMB.

12.3.7 SCL-LEA Master Files

The SCL-LEA master files will be organized and maintained in a manner similar to the CIWMB Master Facility Files. The assigned staff members will possess only document copies, with originals maintained in the SCL-LEA master files. The files will be organized onto three File Sets as follows:

File Set 1 will contain facility permitting/authorization materials, including:

- The SWFP
- Permit revisions and modifications
- Permit related correspondence from the CIWMB
- Permit applications
- Report of Facility Information
- RWQCB issued Waste Discharge Requirements
- Other agency permits
- Public/agency comments regarding facility permitting
- Distribution records

File Set 2 will contain correspondence, including:

- Letters from the operator, CIWMB, other regulatory agencies and the public.
- Records of SCL-LEA phone conversations concerning the facility
- Newspaper clippings (publication and date noted)
- Miscellaneous items

File Set 3 will contain inspection/corrective action related materials, including:

- Inspection reports
- Proposition 65 notifications
- Site Identification Forms
- Operator action plans
- Follow-up inspection reports
- Records of distribution
- Complaint records or agency referrals
- Enforcement/corrective actions by other agencies

File Set 4 will contain Technical Reports, including:

- SWFP Monthly Reports
- Land Use Reports (CUP, Zone Change)
- RWQCB Reports

12.4 CATEGORIES OF FACILITY VIOLATIONS

Through implementation of the inspection procedures described in Section 12.2, the SCL-LEA inspector may cite possible violations or "areas of concern" in one or more of the violation categories described in the following paragraphs. Areas of concern are those which have the potential to become facility violations if they remain unchecked or uncorrected.

- *Operational Violations* - Operational violations are determined by the SCL-LEA in accordance with the State minimum standards for solid waste handling and disposal, as described in 27 CCR Division 2, Chapter 3. To aid in determining which of the available SCL-LEA enforcement options to implement, the violations are grouped into three classifications according to group and severity.
 - *Group I Violations* - These violations are either purely administrative, or deal with potential health, safety, or environmental impacts which are indirectly associated with facility operations.
 - *Group II Violations* - These violations deal with short-term potential health, safety, and environmental effects which are the direct consequence of waste management operations at the facility.
 - *Group III Violations* - These violations deal with long-term potential health, safety, and environmental effects which are a direct result of waste management operations at the facility, and are applicable throughout the facility

postclosure maintenance period.

- *Emergency Violations* - Activities and/or conditions in violation of State minimum standards, which pose an imminent threat to public health, safety, or the environment, and require immediate corrective action, will be issued emergency violations by the SCL-LEA. Emergency violation conditions may be cause for facility closure by the SCL-LEA.
- *Permit Violations* - Violations of the SWFP, its terms or conditions, and/or other incorporated regulatory permits or approvals will be cited as permit violations. Permit violations may justify facility closure and/or other legal actions.
- *Closure and Postclosure Violations* - Facilities not in compliance with the applicable requirements of: 30 PRC Part 4, Chapter 2; 30 PRC Part 5, Chapter 1; ((14 CCR Chapter 3, Article 7.8; and 27 CCR Division 2, subdivision 1 (§2005 et seq.) will be cited for closure and/or postclosure violations by the SCL-LEA.

Identification of facility violations will result in subsequent enforcement actions by the SCL-LEA, which will be coordinated with other responsible and/or concerned agencies to the extent feasible, as described in Section 12.6, Enforcement Procedures.

12.5 ENFORCEMENT DUTIES AND RESPONSIBILITIES

This section describes the duties and responsibilities of the SCL-LEA and the CIWMB with respect to solid waste facility enforcement actions, and the corresponding identified violations.

12.5.1 SCL-LEA Duties and Responsibilities for Enforcement

If during an inspection, investigation, or at any other time, the SCL-LEA finds that Sunshine Canyon Landfill is in violation of state or local standards, or the terms and conditions of its SWFP, the SCL-LEA will enforce the applicable provisions as required by 30 PRC, 27 CCR, 14 CCR, 27 CCR, and the EPP.

The SCL-LEA has the authority to pursue legal measures to mitigate any violation of the state minimum standards or SWFP conditions. This authority includes the ability to require a facility to cease and desist any unlawful operations, or to cleanup any solid waste not disposed of in accordance with all applicable regulations. The SCL-LEA may also pursue civil action to recover fines associated with a particular violation.

The SCL-LEA also has the ability to modify, suspend, or revoke a permit if a facility has violated any of its conditions, depending on the risk to health, safety or

the impact on the environment, the repeated or chronic nature of the violation or if the operator has provided incorrect, inaccurate or misleading information leading to approval and/or development of the permit and/or its conditions. These actions available to the SCL-LEA, and their applications, are described further in Section 12.5, Enforcement Options.

12.5.2 CIWMB Duties and Responsibilities for Enforcement

The CIWMB is responsible for the establishment of regulations and performance standards which govern the operation of solid waste facilities. The CIWMB approves the designation of the SCL-LEA and monitors performance of the SCL-LEA to ensure appropriate implementation of the state requirements. Facility inspections conducted by the CIWMB may be used to evaluate the SCL-LEA.

If an SCL-LEA has failed to carry out its enforcement responsibilities, the CIWMB has the authority and responsibility to seek injunctive relief against a facility, and/or issue a cease and desist or cleanup order. In taking any action, the CIWMB is vested with all the powers of the enforcement agency, in addition to its own. It is, however, the policy of the CIWMB to refrain from exercising its independent jurisdiction to take enforcement action unless it finds the SCL-LEA failed to take appropriate enforcement action.

12.6 ENFORCEMENT OPTIONS

The enforcement procedures and mechanisms, as described in this section, are available to the SCL-LEA following identification of facility violations. The intent of the enforcement actions is to require the operator to take whatever steps necessary to achieve compliance with all applicable regulations and/or permit conditions. All enforcement actions taken by the SCL-LEA will contain specific time frames for achieving compliance.

12.6.1 Minimum Expected Enforcement Response

The following describes the various enforcement options that the SCL-LEA can utilize:

12.6.2 Warning Notification (WN)

During the facility inspection, the checklist will be completed by the SCL-LEA inspector. At the discretion of the inspector and his/her supervisor, a copy of this

checklist may be provided to the facility representative during the exit interview. Whether delivered prior to the inspector leaving the site, or subsequently by mail, the checklist copy will note areas of concern and violations identified by the SCL-LEA. The completed checklist will serve as a WN for the operator that a Notice of Violation will be forthcoming from the SCL-LEA. The owner/operator may begin planning appropriate mitigation activities. The original inspection forms will be maintained in the SCL-LEA Master Files.

12.6.3 Notice of Violation (NOV)

A written Notice of Violation, containing a summary of the violations identified by the inspector, will be delivered to the facility operator as soon as possible, but not more than 20 calendar days following the inspection. The operator will be requested to provide an action plan to the SCL-LEA within 15 days of receiving the NOV. The action plan will describe the non-compliant condition and the activities which have been, or will be taken to remedy the violations and/or areas of concern. A corresponding schedule for completing these activities must be included with the action plan. If the violations or areas of concern require extensive expenditures of time or money to remedy, the NOV may also require the operator to enter into a compliance agreement with the SCL-LEA.

12.6.4 Notice and Order (N&O)

The SCL-LEA may issue a Notice and Order to require a facility owner/operator to cease and desist from any illegal activity and/or cleanup and abate any conditions resulting from that activity. The SCL-LEA shall insure implementation of the action(s) and terms specified in the Notice and Order and petition the courts for relief and/or civil penalties, if the operator fails to comply with the terms of the order.

Subsequent to non-compliance with a Notice and Order, the SCL-LEA may take any action(s) specified in the Notice and Order and/or apply any appropriate action(s), including authority to take remedial action, or petition the courts for injunctive relief and civil penalties as appropriate to provide correction of the activities resulting in law violation.

12.6.5 Listing as a Non-Complying Facility (NCFL)

If the SCL LEA documents the same state minimum standards violation(s) for two consecutive months at a permitted facility the CIWMB will send a notice of intent (NOI) to the operator and landowner of the facility to add the facility to the State List of Non-Complying Facilities. The CIWMB must consult with the SCL

LEA prior to sending the NOI to ensure that the notification is based on current information.

If the violation(s) listed on the NOI letter is not corrected by the 90th day subsequent to the operator's receipt of the NOI letter, then the CIWMB will place the facility on the list (i.e., Inventory of Solid Waste Facilities Which Violate State Minimum Standards).

12.6.6 Civil Penalties (CP)

The SCL-LEA or the CIWMB may petition the court to assess monetary penalties for various violations. The appropriate remedies listed in this section will be implemented in an attempt to correct the violation prior to initiating CP action.

12.6.7 Injunctive Relief (INJ)

Action sought by the SCL-LEA or the CIWMB which requests the court to order a facility to provide relief from specific activities resulting in a violation of law. At a minimum, the appropriate administrative remedies listed above will have been attempted by the SCL-LEA, without success, prior to seeking this type of relief.

12.6.8 Permit Suspension or Revocation (PR)

The SCL-LEA may take action to suspend or rescind a SWFP for a facility following a hearing on the issue. This may be necessary if repeated violations demonstrate the failure of the facility to operate in accordance with the established SWFP conditions or regulations, and where all other enforcement remedies have failed.

12.6.9 Emergency Corrective Actions

For facilities in which the owner or operator fails to expeditiously remedy a violation having the potential to cause imminent danger to public health, safety, or the environment, the SCL-LEA may take emergency corrective actions at the site. The SCL-LEA will notify the CIWMB of this course of action, and comply with all requirements of 14 CCR 18306, which allows for cost recovery of emergency remedial actions.

12.6.10 Referral to the CIWMB

In certain circumstances, when it is advantageous, the SCL-LEA may refer a case to the CIWMB for enforcement action if it is jointly decided that state action is more likely to facilitate the desired compliance results. As an example, if similar violations are occurring at other facilities throughout the state which are managed by the same operator, a consolidated action by the CIWMB may be the most effective enforcement mechanism.

Should the SCL-LEA be without resources to implement corrective actions if the responsible party is unwilling to correct violations as ordered, the SCL-LEA may refer such cases to the CIWMB. The CIWMB would then issue enforcement actions, and if necessary, expend monies from the Solid Waste Disposal Site Cleanup and Maintenance Account of the Integrated Waste Management Fund (Fund) to contract for corrective actions and/or the development and implementation of closure or postclosure maintenance plans. The CIWMB would then initiate civil action to recover from the responsible party any costs incurred, to be redeposited to the Fund. Any corrective or closure/postclosure actions taken by the CIWMB will be in compliance with applicable regulations, and to the extent possible, will be coordinated with the SCL-LEA and other responsible agencies.

Subsequent to operation in violation of the state minimum standards, the SCL-LEA, pursuant to PRC Sections 44104 and 44106, may request that the Board include the facility on the state list of non-complying facilities.

12.6.11 Referral to the City Attorney / County Counsel

The SCL-LEA will apply the penalty phase of the enforcement order and may need to refer a case to the City Attorney and/or the County Counsel for a civil/criminal enforcement action for the operator and/or landowner's failure to comply with an enforcement order.

12.7 ENFORCEMENT PROCEDURES

This section describes the enforcement efforts which will be implemented depending upon the severity and persistence of the identified facility violations. The EPP Enforcement Flow Chart that has been included as an attachment .

12.7.1 Time Frames for Enforcement Actions

If a violation is noted during the course of an inspection which presents an imminent or substantial threat to the surrounding public or the environment, the

SCL-LEA will take emergency enforcement action to restrain the alleged violation as soon as possible, but no longer than five working days of the discovery. Within five days of issuing an emergency enforcement order, the SCL-LEA must provide a written statement to the CIWMB, and as applicable, the RWQCB, the SCAQMD, and the State Health Department explaining and justifying issuance of the enforcement order. Mitigating conditions of emergency violation is of highest priority to the SCL-LEA, with agency notification and subsequent administrative remedies to be pursued in a timely manner.

When no emergency violations are identified, the inspection report and any corresponding enforcement actions will be completed and transmitted to the operator within 30 days of determining a condition of violation. For enforcement actions requiring assistance of legal counsel, the SCL-LEA inspector will prepare the draft inspection report and enforcement action for review by the SCL-LEA supervisor within 10 days of the inspection. Consultation with legal counsel will occur between 10 and 20 days following the inspection. If an enforcement action is anticipated after legal counsel is received, the SCL-LEA will provide a written explanation and justification for such action to the CIWMB, and as applicable, the RWQCB, SCAQMD, and the State Health Department within 25 days of identifying the violation.

Similarly, such notices of intent to issue violations will be received from the agencies regulating aspects of solid waste management. In response to these written notices, the SCL-LEA will inspect the subject facility and document the findings within 10 days of receipt to determine whether the facility is in compliance with the regulations and permits enforced by the SCL-LEA.

12.7.2 Cooperative Enforcement Approaches (Initial Approach)

In order to ensure implementation of the operator's action plan, while minimizing the required enforcement effort, the SCL-LEA will coordinate with the owner/operator (as applicable) and other responsible agencies throughout the corrective action process. Whenever possible, a cooperative approach will be utilized to achieve compliance. Coordination efforts, to be implemented at the discretion of the SCL-LEA as determined on a case-by-case basis, may include the following:

- A Compliance Meeting, in which the operator, SCL-LEA, and other responsible agencies discuss the specific violations, and negotiate compliance methods, progress reporting schedules and corrective action completion dates. The SCL-LEA will impress upon the owner/operator that failure to attend the meeting may result in additional enforcement actions.

- An Administrative Hearing, in which the owner/operator is invited to present evidence of compliance to the SCL-LEA Director/Manager in attempt to avoid further enforcement procedures.
- A Stipulated Order of Compliance and Agreement (Compliance Agreement) is one type of Notice and Order (N&O), in which the SCL-LEA and the operator willingly enter into a contract, whose terms will govern the manner through which violations or areas of concern will be remedied. If the owner/operator fails to comply with the N&O, the SCL-LEA must petition the court to enforce the contract.

12.7.3 Unilateral SCL-LEA Enforcement Approaches

If cooperative agreement regarding enforcement actions cannot be reached between the SCL-LEA and the owner/operator, unilateral enforcement actions may be implemented by the SCL-LEA and/or the CIWMB.

12.8 DENIAL, SUSPENSION, REVOCATION, OR MODIFICATION OF PERMITS

Actions to modify, suspend, or revoke a Permit may be initiated by the SCL-LEA if the SWFP has been violated, or obtained through misrepresentation or omission of pertinent facts, or if it is determined that permit modification is necessary either to achieve compliance with an enactment, or to protect public health, safety, or the environment. The SCL-LEA will file an accusation with the Hearing Panel to initiate such actions. The required hearings will be conducted to determine facts, and the Hearing Panel will issue a decision binding on the parties until appealed to the CIWMB.

Under unforeseen special circumstances, such as an emergency resulting from an Act of God or resulting from civil unrest, the SCL-LEA may grant a emergency waiver of specific standards or specific terms and conditions of the solid waste facility permit in the event of a proclaimed state of emergency or a local emergency order to protect public health, safety, or the environment.

12.8.1 Denial of Permits

If the SCL-LEA denies a permit, or the applicant deems that the terms and conditions of the proposed permit are inappropriate, the applicant may request a

hearing. The SCL-LEA will provide written notice to the person filing the request notifying the person of the date, time, and place of the hearing within 15 days of receiving a written request for hearing. The SCL-LEA will specify the statutes and regulations supporting permit denial by the SCL-LEA, and will indicate those matters the applicant must prove compliance with in order to receive a permit. The statement of issues and a notice of defense shall be served on the applicant by registered mail at least 20 days prior to the hearing.

12.8.2 Suspension, Revocation, or Modification of Permits

After a hearing, any permit can be suspended, revoked, or modified by the SCL-LEA for cause, including, but not limited to the following:

- Violation of any term or condition of the SWFP
- Having obtained the SWFP by misrepresenting or failing to disclose all relevant facts
- Repeated and chronic violations of similar or same permit conditions and/or state minimum standards
- A change in any condition requiring a modification, reduction, or elimination of the permitted operation to achieve compliance with PRC requirements.
- A finding that the facility poses a substantial threat to public health or the environment.

A hearing to determine whether a permit should be revoked, suspended, or modified shall be initiated by the SCL-LEA by filing an accusation. The accusation will conform to the requirements of 30 PRC 44501, and will be copied to the CIWMB when filed. The accusation will be served upon the permittee by registered mail, accompanied by the following items:

- Copies of all supporting documents:
- A "Notice of Defense" form, which, when signed by, or on behalf of the permittee and returned to the SCL-LEA, will acknowledge service of the accusation and constitute a notice of defense.
- A statement informing the permittee that:
 - The operator may inspect and copy all documents relative to the accusation.
 - The operator may request a hearing on the merits by filing a notice of defense within 20 days of receiving the accusation. A notice of defense is a specific denial of all parts of the accusation unless expressly admitted, and shall be signed by the permittee or agent, and state his/her mailing address.
 - Failure to file such notice constitutes a waiver of the right

to a hearing.

- The operator may object to the accusation on the grounds that it does not state acts or omissions upon which the enforcement agency may proceed.
- The operator may object to the form of the accusation on the grounds that it is so indefinite or uncertain that he cannot identify the incident, and therefore cannot prepare a defense.

12.8.3 Hearings

The SCL-LEA Hearing Panel will be comprised of three (3) members, including one individual having a technical background in solid waste management, one representative from local governing body, and one member from the public at large.

A detailed description of the Independent Hearing Panel and their procedures are provided in the attachment at the end of this section.

12.8.4 Petition for Reinstatement or Penalty Reduction

A suspended SWFP is automatically reinstated on the date noted in the suspension, or upon completion of the specified acts

12.8.5 Independent Hearing Panel Procedures

The SCL-LEA must convene a hearing panel to hold a public hearing prior to taking the following actions:

1. Denial of a solid waste facilities permit.
2. Temporary suspension of solid waste facilities permit.
3. Revocation of a solid waste facilities permit.

The SCL-LEA must convene a hearing panel to hold a public hearing if one of the following occurs:

1. Suspension of a solid waste facilities permit is appealed by the operator
2. Conditions in a solid waste facilities permit issued by the enforcement agency are appealed, as inappropriate by the applicant
3. An enforcement action is appealed by person(s) subject to the action
4. A failure of the SCL-LEA to act as required by law or regulation is alleged by any person(s)

The terms “enforcement action” and “failure to act as required by law or regulation” as used in PRC 44307 that describe grounds for requesting the SCL-LEA hold a hearing panel, do not include: a notice, notation or a warning of an actual or potential statutory, regulatory or permit violation listed on an inspection report; or communication from a SCL-LEA regarding an actual or potential statutory, regulatory or permit violation. For the purposes of PRC 44307, “enforcement action” is limited to a notice and order issued by a LEA, such as a Corrective Action Order or a Cease and Desist Order. Legal council for the independent hearing panel and the SCL-LEA shall be provided by separate sections of the Office of the City Attorney and/or County Counsel’s Office.

Appeals to the Hearing Panel must be filed by the person(s) subject to the action within fifteen (15) days from the date that the person is notified, in writing, of the SCL-LEA’s intent to act in the manner specified. Hearing panel proceedings must be conducted as set forth in PRC 44310.

Attachment

Sunshine Canyon Local Enforcement Agency Mediation Process

Purpose

In an effort to resolve conflicting positions on regulatory, technical, and/or other issues in a fair and efficient manner, any matter to be decided by the Sunshine Canyon Landfill Local Enforcement Agency's Independent Hearing Panel is first given the option to utilize a non-binding Mediation Process. If the issue cannot be resolved through the mediation process, then a session shall be organized for a presentation of the issues to the Independent Hearing Panel, according to the procedures established under state regulations.

The purpose of the mediation session is to allow the parties with conflicting positions on issues an opportunity and a forum to reach a consensus or negotiated compromise agreement rather than be subjected to the risk of a unilateral decision before the Independent Hearing Panel.

Sunshine Canyon Landfill Local Enforcement Agency - Mediation Process

A neutral mediator that both parties have agreed upon will serve to conduct and facilitate the conference/meeting. An SCL-LEA employee or contractor who has been trained to conduct a mediation conference will be provided. If the SCL-LEA -provided mediator is not acceptable by either party, an outside independent mediator or other parties may be utilized. The cost of the outside independent mediator will be split between the parties at the mediation. The role of the mediator is to facilitate discussion between the parties in an orderly fashion. The neutral mediator makes no judgements and will not take a position on the issues but will direct discussions at resolving issues and promoting understating between the parties involved.

The mediation conferences/meetings are closed sessions and are not open to public. To encourage full disclosure and good faith resolution to the issues, the materials submitted by each party during the mediation may be designated as "confidential" materials by mutual agreement. The confidential materials will not be subject to public access. Both parties shall jointly decide and agree upon the location of the mediation session(s).

Prior to the mediation conference, responsibilities for each party to the mediation are as follows:

1. Each party is to check to see that the reference documentation and other items are current (e.g., referring to the same set of blueprints, etc.).
2. Each party is to designate a lead representative of their party for the purpose of the mediation conference.
3. Each party shall make known to all other parties the level and extent of authority to represent, act and/or bind (or if further approval is required) if an agreement on the issues can be reached.
4. Provide each party the names, titles and roles of the personnel that each party will be bringing to the mediation conference.
5. Each party shall provide the mediator a written list of issues and topic areas to be discussed.
6. Either party may request the presence of additional regulatory agencies that may be impacted. The SCL-LEA will take the lead role in contacting the regulatory agencies to request their representatives' attendance at the mediation conference.
7. Business sensitive materials and other confidential documents to be reviewed or utilized in the mediation meetings must be identified as such. The SCL-LEA will keep any such materials and/or documents as part of a confidential file that is not accessible for public review.
8. Each party can bring technical/legal experts to provide technical support for their position(s) and to answer questions. Each party should list all the technical experts they wish to bring as part of item number 4.

General Rules for Mediation Process:

The structure of the mediation process must be agreed upon before mediation starts. Discussions can be formal with each party given a specific turn for presenting their position, or an informal concurrent dialog can be conducted. The general rules for the mediation process described below should be utilized if a more formal structured session is selected. If a structured format is selected, the mediator will review the ground rules for the mediation process at the start of the session. Changes can be made to the ground rules if both parties are agreeable.

1. The party initiating the mediation procedure has the option of making the initial presentation. The initial presentation should summarize the party's position or interpretation of the issues, supporting testimony, and documentation or other evidence. The presentation should be uninterrupted.

2. At the end of the presentation, the other party is given the same opportunity to make an uninterrupted presentation of their position.
3. At the end of the initial presentations, the mediator will initiate open discussion of the issues between the parties. The parties can agree to an unstructured informal discussion or the parties can ask the mediator to moderate the open discussion in a more formal or structured setting in which the mediator must recognize a person before he/she can speak.
4. The mediator or designee shall also serve as a “scribe” or notetaker of the discussions and points of agreement/disagreement.
5. The mediator may initiate discussion by selecting a starting point for discussion purposes only. Separate discussions on technical issues can be organized.
6. If the parties do not come to a settlement on the issues, additional fact-finding sessions or mediated dispute resolution conferences can be requested for a later date. Another option is that the parties can agree not to have any additional mediated dispute conferences and proceed directly with the appeals process to the Hearing Panel.
7. Both parties shall initial drawings and other items that were marked up with agreed changes. Agreed changes to written materials, drawings and other documents that are at issue shall be copied and distributed to the parties.
8. The mediator shall prepare a draft summary record of the mediation for both parties to review and approve. When both parties approve of the summary of record, the parties shall sign the final draft. Each party will be provided one of two original signed final summaries. Confidential materials used in the mediation, which are included as part of the summary record, will be marked as such.
9. Additional mediation sessions can be scheduled if both parties agree. Alternative locations can be utilized for the additional sessions if both parties agree.

HEARING PANEL PROCEDURES

I. SUNSHINE CANYON LANDFILL LOCAL ENFORCEMENT AGENCY

HEARING PANEL INFORMATION PACKAGE

The following presents a general overview of portions of the State law concerning management of solid waste, and reference to laws and regulations of selected sections of the Public Resources Code (PRC) concerning hearing panels and the hearing process pertaining to regulation of Solid Waste Facilities Permits.

Assembly Bill (AB) 939 was signed into law on September 29, 1989. The law created statewide changes in the management of solid waste. It was passed with the intention of promoting source reduction, recycling, and composting activities to extend solid waste landfill capacity.

AB 939 requires that all jurisdictions have approved Solid Waste Generation Studies (SWGS) and, approved Source Reduction and Recycling Element (SRRE), which are approved by the California Integrated Waste Management Board (CIWMB). Each County is required to have an Integrated Waste Management Plan. The countywide plan incorporates each of the city plans into a comprehensive waste management system. Several of the components addressed in these plans include waste characterization, recycling, source reduction and household hazardous waste.

AB 939 also created the CIWMB, requiring dissolution of the Solid Waste Management Board existing at that time. The role of the CIWMB is to oversee and coordinate all solid waste issues throughout the State, including the Integrated Waste Management Plans and their implementation, as well as and solid waste facility inspection, enforcement and permitting activities.

The creation of the CIWMB caused many changes at the Local Enforcement Agency (LEA) level. The LEA's are state-mandated local enforcement program that had previously been certified under the regulations established by the Solid Waste Management Board.

One change included the need for local agencies to apply for designation and recertification as the LEA within their jurisdiction. This required the local agency to

submit to the CIWMB for approval, a Designation Information Package and an Enforcement Program Plan. These documents outline what solid waste activities are being performed, and how they are accomplished at the local level.

According to the PRC, the LEA must have a Hearing Panel or Hearing Officer in place to act as the local appeals body for solid waste permitting and enforcement issues. Hearing Panel policy and procedures are to be developed individually at the local level within the guidelines established in the PRC. State law will override local law if in conflict, unless the local laws/regulations are stricter. Therefore, each Hearing Panel may operate somewhat individually in responding to local needs and community standards.

Many of the individuals who are chosen to be Hearing Panel members may not have had previous experience conducting or participating in public hearings. Furthermore, new members may not be familiar with LEA duties. Therefore, this information package is being provided in an attempt to help new members understand their responsibilities and the functions within the LEA program. The materials will attempt to provide information about the laws affecting hearing panels and the procedures commonly followed in a public hearing. These materials cannot answer all questions, and are not a substitute for legal advice. This information package is also distributed to all parties involved in a Hearing Panel appeal, to inform them about the LEA and Hearing Panel process.

II. THE SOLID WASTE LOCAL ENFORCEMENT AGENCY OF THE JOINT POWERS AUTHORITY

A. Introduction

The City of Los Angeles and the County of Los Angeles formed a joint powers authority (“Authority”) to create the Sunshine Canyon Landfill Local Enforcement Agency, “SCL-LEA”, for the purpose of conducting regulatory enforcement oversight of the permitting, operations, closure, and post-closure maintenance of Sunshine Canyon Landfill.

The SCL-LEA has the authority to inspect all solid waste facilities permitted by the SCL-LEA. The inspection frequency is generally dependent upon the Solid Waste Facility Permit tier (notification, registration, standardized, and full) but may exceed the minimum frequency specified by the CIWMB. The purpose of the inspections is to ensure that the solid waste facility is in compliance with the permit conditions established and state minimum standards for the type of facility being operated (i.e. landfill or transfer station). If a facility is not in compliance with the state minimum standards an “area of concern” or “violation” is noted on the inspection report. The SCL-LEA will usually check for a correction in the

solid waste facilities practices during a recheck in the same calendar month, or during the subsequent monthly inspection.

The SCL-LEA promptly responds to illegal activities, and citizen's complaints or situations requiring corrections, and can perform follow-up activities, including prosecution of the offenders, depending on the circumstances observed.

The SCL-LEA enforces or requests enforcement by appropriate federal, state, and local agencies of the following laws and regulations:

- ◆ Code of Federal Regulations (CFR), Chapter 40, Parts 257 and 258
- ◆ Public Resources Code (PRC), Divisions 30 and 31
- ◆ California Code of Regulations (CCR), Division 7, Titles 14 and 27
- ◆ City of Los Angeles Municipal Code

Typical regulated businesses:

- ◆ Solid Waste Landfills
- ◆ Solid Waste Transfer Stations
- ◆ Construction and Demolition Processing Facilities
- ◆ Construction and Demolition / Inert Debris Disposal Facilities
- ◆ Composting Facilities
- ◆ Greenwaste Processing (Grinding/Chipping) Facilities
- ◆ Woodwaste Processing (Grinding/Chipping) Facilities
- ◆ Closed, Inactive, or Abandoned Landfill Sites

Typical SCL- LEA duties include:

- ◆ Enforcement of state minimum standards, permit conditions, regulations and laws
- ◆ Solid waste facility inspections
- ◆ Environmental monitoring of landfill gas and other related control systems
- ◆ Issuing, Revising, and Reviewing Solid Waste Facility Permits
- ◆ Closure/postclosure activities for solid waste landfills
- ◆ Investigation, remediation, and inspection of closed, illegal, or abandoned disposal sites
- ◆ Periodic site reviews and review of solid waste facility plans
- ◆ Investigation and remediation of illegal dumping complaints
- ◆ Monitoring of health and safety practices at permitted sites
- ◆ Respond to complaints against solid waste haulers
- ◆ File maintenance

B. The SCL-LEA

The SCL-LEA issues new permits, revises, denies, revokes, suspends, and

modifies Solid Waste Facility Permits. According to the Public Resources Code, Section 40194, a “Solid Waste Facility” includes a solid waste transfer or processing station, a construction and demolition waste processing facility, a composting facility, a transformation facility, and a disposal facility and another other types of facilities that the CIWMB deem within the jurisdiction of the SCL-LEA. The SCL-LEA regulates solid waste facilities by performing compliance inspections. Each solid waste facility must comply with the requirements in the statutes and regulations, and any conditions or requirements of any Solid Waste Facility Permit issued by the SCL-LEA for a given solid waste facility. Compliance at permitted sites is usually obtained by the SCL-LEA communicating with facility operators verbally, and through inspection reports and compliance schedules.

The Public Resources Code (PRC) requires the establishment of a hearing panel or the appointment of a Hearing Officer, which is convened upon the request of a person or party, pursuant to PRC § 44310. The panel reviews actions by the SCL-LEA to deny, suspend or revoke a solid waste facilities permit, as well as enforcement actions taken and permit conditions issued by the LEA. The Hearing Panel can also review instances of SCL-LEA failure to act, as set forth in PRC § 44307. The Hearing Panel has the authority to adjudicate issues brought before it, as set forth in the PRC. The hearing panel will review the SCL-LEA’s actions based upon the facts and applicable laws and regulations as they apply to each specific case brought before it.

III. HEARING PANEL

A. Introduction

The SCL-LEA Program Independent Hearing Panel consists of three members: one (1) member of the Hearing Panel is a representative of the local governing body, one (1) is a technical expert with knowledge of solid waste management methods and technology, and one (1) member is a representative of the public at large. The members of the Hearing Panel are selected for their legal, administrative, or technical abilities in areas relating to solid waste management.

B. Selection of a Hearing Panel

The three (3) SCL-LEA Independent Hearing Panel members will be drawn from the pool consisting of existing City and County Local Enforcement Agency’s independent hearing panel members. The first member to be selected will be the technical member. Any random method/process can be used to determine who the

first member of the Hearing Panel will be and may include, but is not limited to: coin flipping, short straws, names in a hat, etc. The second member (representative of the local governing body) will come from the other jurisdiction in an effort to be fair to both jurisdictions involved. The third and final member (public at large) will be chosen from the same random process

C. Length of Term of the Hearing Panel Members

Hearing Panel members serve for a term of four years, pursuant to PRC § 44308. Members may serve two consecutive full terms, and another partial term if appointed by the City Council to fill a vacancy. (Any member whose term has expired shall continue to fulfill the duties of a member until a successor has been appointed and authorized.)

D. Reimbursement of the Hearing Panel Members

Members may receive per diem and mileage reimbursement.

E. Duties of the Hearing Panel Members

The Hearing Panel Chairperson will be selected by the members of the Hearing Panel. It is the responsibility of the Chairperson to preside at the hearings; to control the Hearing Panel's calendar; to assign tasks to other Hearing Panel members, such as the liaison between the Hearing Panel and SCL-LEA staff; and to sign letters from the Hearing Panel. The Chairperson is responsible for ensuring that each hearing proceeds according to protocol.

F. The Secretary of the Hearing Panel and their Duties

Among the duties of the secretary (a SCL-LEA staff person assigned to assist in the administrative tasks) are the following:

- ◆ Scheduling the hearings and meetings
- ◆ Accepting petitions and filing them for public review
- ◆ Sending out Notice of Hearings
- ◆ Preparing and posting announcements: Agenda, Notice of Adjournment, Notice of Continuance.
- ◆ Draft findings for the Hearing Panel

IV. TYPES OF CASES INVOLVING THE LEA AND/OR HEARING PANEL

A. Introduction

Division 30 of the PRC deals with Solid Waste Facilities. The division sets forth the types of cases which involve the SCL-LEA and/or Hearing Panel. This chapter provides enforcement authority to the SCL-LEA regarding denial, suspension or revocation of permits. It also provides for review of SCL-LEA actions by the Hearing Panel. Administrative enforcement is also covered in this division.

Hearings including SCL-LEA enforcement activities, or lack thereof, are authorized by PRC § 44307. A Hearing Panel is convened to examine the case and issue a decision within 5 days from the conclusion date of any hearing. Unless otherwise provided by statute, all such orders and determinations are effective immediately.

B. Denial of a Solid Waste Facilities Permit

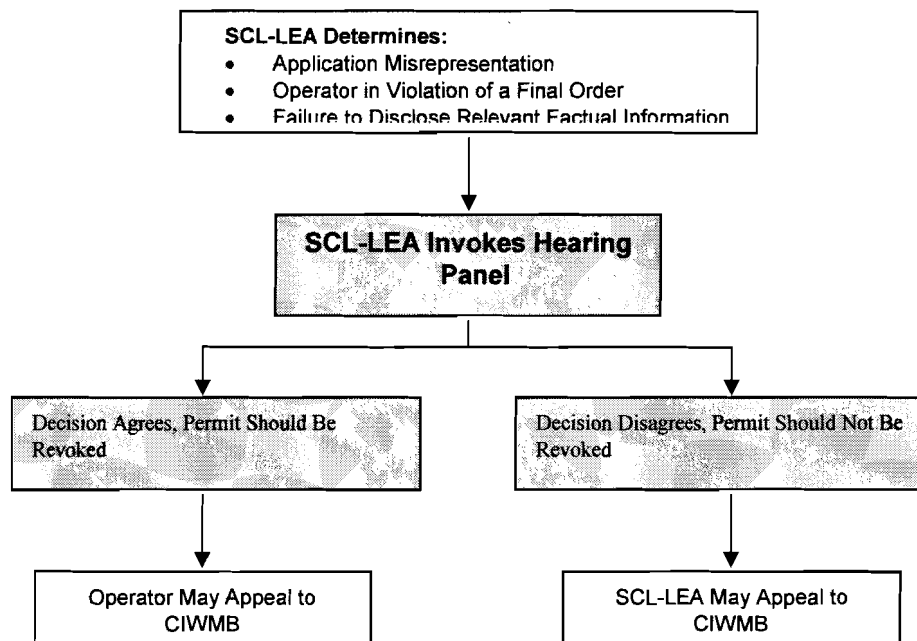
Permit denial is outlined in the PRC § 44300, and is initiated by SCL-LEA. If a permit is to be denied, the Hearing Panel shall be convened prior to denial, to hear the reasons and decide if the permit denial is warranted. The statute sets forth five conditions for denying a permit:

1. Incomplete Application.
2. Permit does not comply with the California Environmental Quality Act (CEQA).
3. Proposed facility will not meet minimum standards for operating a solid waste facility.
4. False or misleading application, or significant misrepresentation.
5. The applicant has in last three years, been determined to be in violation of, or has been issued a final order for, one or more violations of the PRC, or regulations, or violations of the terms and conditions of a Solid Waste Facilities Permit. The violations must be recurring and remain uncorrected.

C. Revocation of a Solid Waste Facilities Permit

The criteria and procedure for revocation of a Solid Waste Facilities Permit are outlined in PRC § 44306. The Permit may be revoked if the application for the permit materially misrepresented the facts or failed to disclose relevant factual information, or if the operator has been determined to be in violation of, or has

been issued a final order for, violations of the regulations, or the PRC, or violations of the terms and conditions of a Solid Waste Facilities Permit. The violations must be recurring and not corrected. The chart on the following page illustrates the necessary procedure to revoke a Solid Waste Facilities Permit.



D. Suspension of a Solid Waste Facilities Permit

The criteria and procedure for suspension of a Solid Waste Facilities Permit are outlined in PRC § 44305. This hearing is initiated by the SCL-LEA.

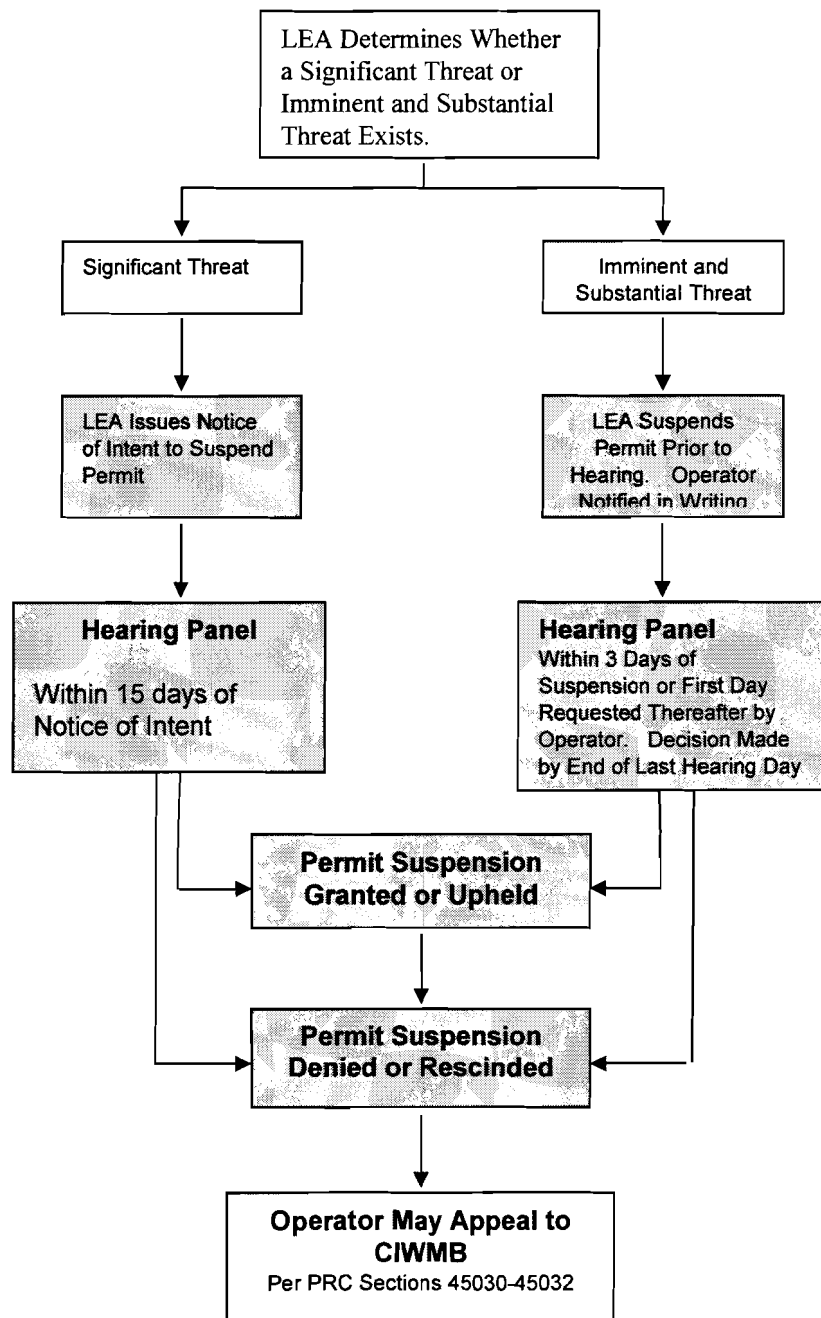
1. Temporary Suspension After Public Hearing

The SCL-LEA can temporarily suspend a Solid Waste Facilities Permit based upon changed conditions at the facility which necessitate a permit revision or modification in order to eliminate a significant threat to public health and safety or the environment. In such a case, a suspension occurs only after a public hearing is held.

2. Temporary Suspension Prior to a Public Hearing

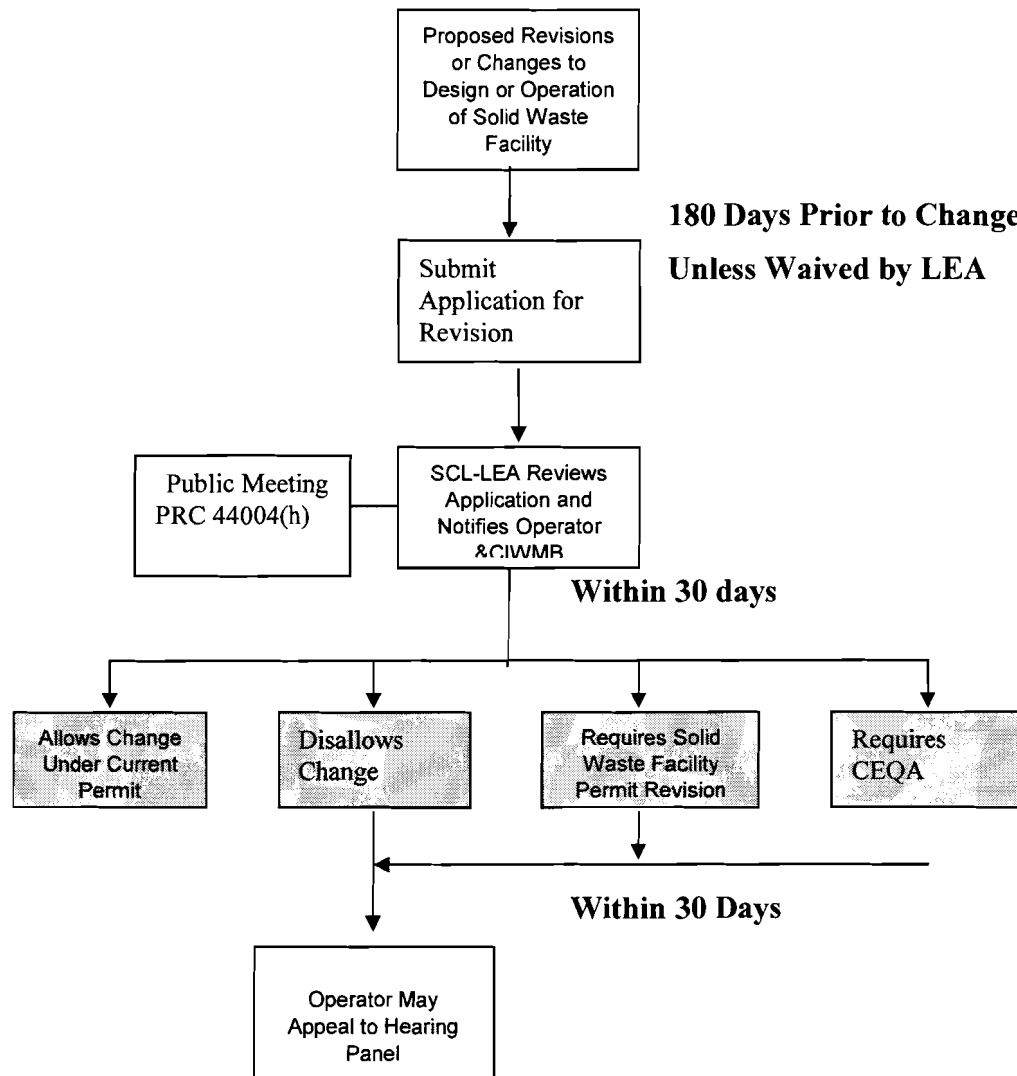
The SCL-LEA can temporarily suspend a Solid Waste Facilities Permit if changed

conditions at the facility necessitate a permit revision or modification to prevent or mitigate an imminent and substantial threat to the public health and safety or to the environment. Any appeal of this action shall be heard by the hearing panel within three (3) business days of the date when the permit was suspended, or the first day thereafter requested by the appealing party. The Hearing Panel must render its decision the same day the hearing concludes. The chart below depicts the process to suspend a permit.



E. Change of Solid Waste Facility Design or Operation

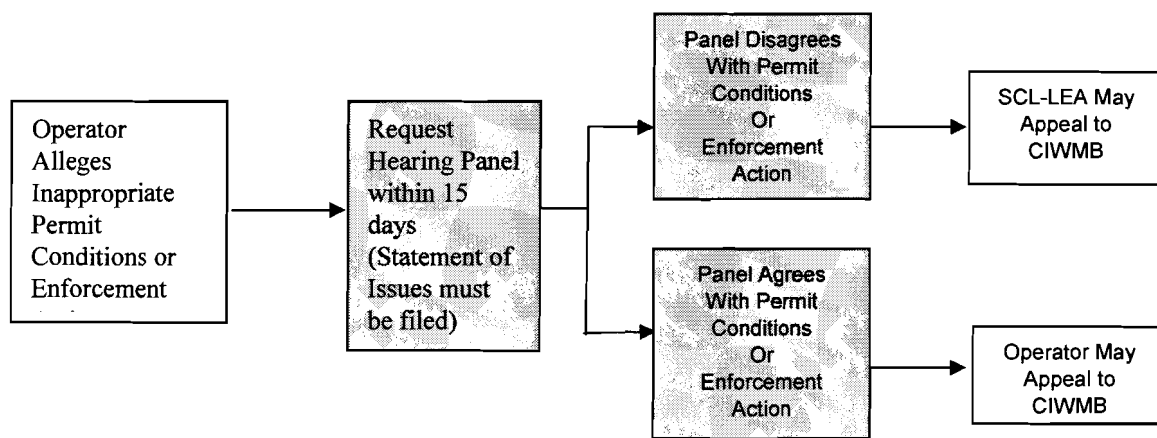
PRC § 44004 outlines the requirements of all parties when a change to a solid waste facility is proposed. The Hearing Panel may be convened by request of an operator or person(s) who disagrees with a decision made by the SCL-LEA to disallow a change at a solid waste facility, or requests a Solid Waste Facilities Permit revision. In such cases, the operator or person(s) may request the Hearing Panel to hear the facts of the case and render a decision regarding the SCL-LEA's actions. The chart below illustrates the procedure followed when a change in Solid Waste Facility Design is proposed.



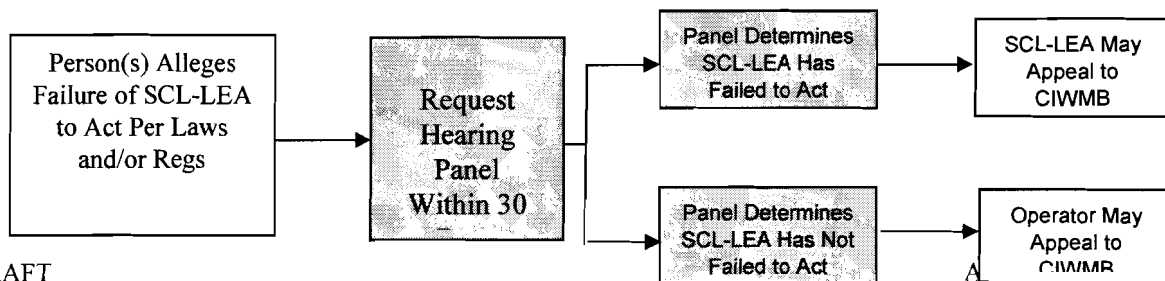
F. Permit Conditions by SCL-LEA Contested by Applicant; Enforcement Actions

PRC § 44307 and § 44310 outlines the process of contesting SCL-LEA enforcement actions or imposition of permit conditions. A hearing may be requested if the applicant contends that permit conditions are inappropriate. A hearing may be requested by the entity subject to SCL-LEA enforcement actions. Finally, a hearing may be requested to review an alleged failure of the SCL-LEA to act as required by law.

The process involving a contested or alleged inappropriate permit conditions or challenges to enforcement actions is illustrated below.



The process for a hearing involving allegations of SCL-LEA failure to act as required by law or regulation is outlined below.



G. Civil Penalties

The Local Governing Body Authority) will be notified of the SCL-LEA's intent to impose an administrative civil penalty for a violation of solid waste laws and/or regulations. The Hearing Panel must be convened to review the civil penalty to be assessed, if requested by the "Authority", or by the operator, as stated earlier under the section on contesting SCL-LEA enforcement actions.

V. PROCEDURES FOR HEARINGS

A. Parties

A Hearing Panel proceeding involves certain and distinct persons, or "parties", who appear, participate in the proceeding, and give testimony and/or legal arguments. Parties may be called "operators", "applicants for a permit", "permittees" or "respondents". *Operators, applicants, permittees, and respondents* are parties who are ordered to attend or have requested the convening of the Hearing Panel.

The term "parties" may also include the following:

1. The SCL-LEA, staff of the "Authority".
2. A person or organization seeking relief from actions taken by the SCL-LEA (e.g., a permit revocation, suspension, modification, etc.).
3. A person or organization against whom enforcement is sought (e.g., the respondent in an action by the SCL-LEA for a permit denial or a Notice and Order).
4. A person or organization who alleges the failure of the SCL-LEA to act.

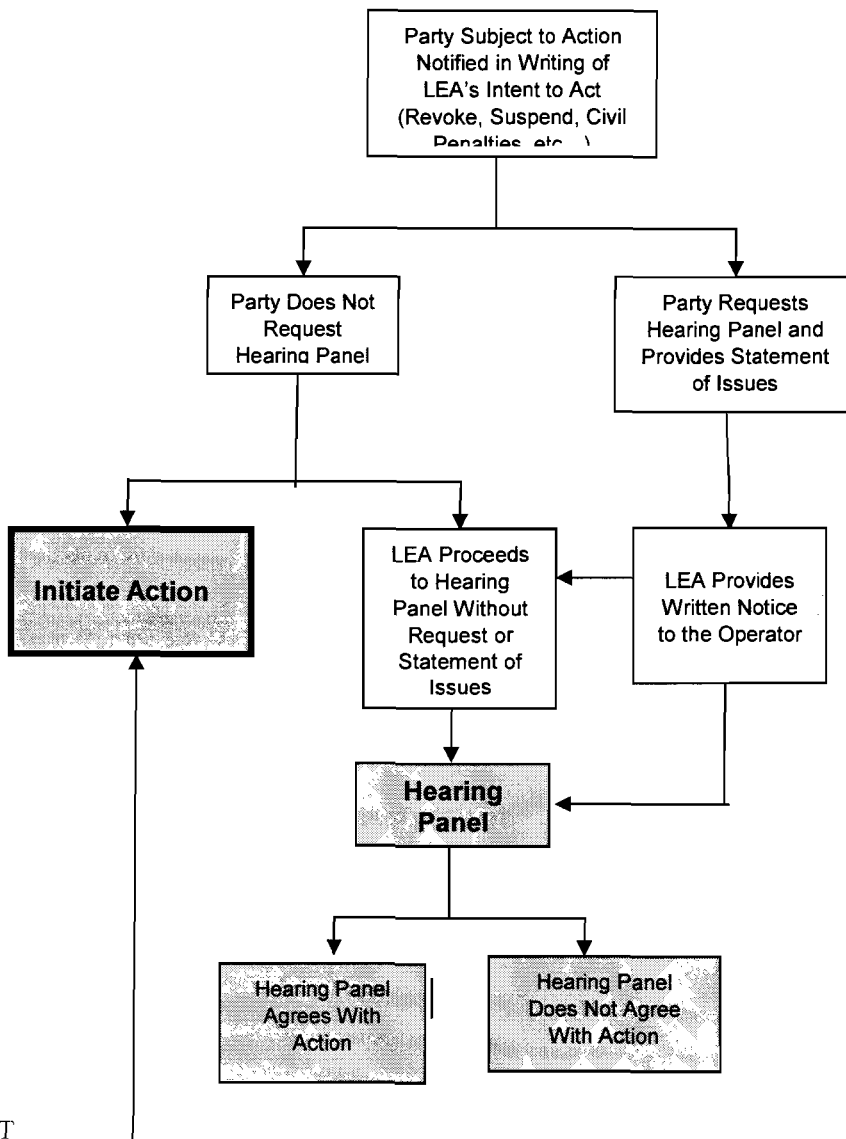
B. Initiation of Proceedings and Procedures

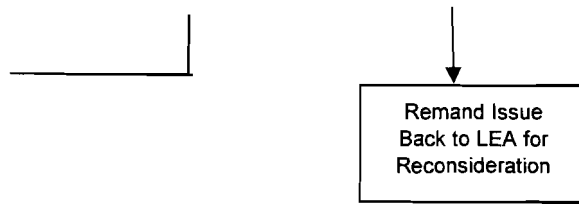
PRC § 44310 sets forth the procedures which govern Hearing Panel proceedings. The hearing is initiated by the filing of a request for hearing by the entity subject to the action. The request must be filed within 15 days from the date the person is notified in writing of the SCL-LEA's intent to act. Within 15 days from the date

of receipt of the request, the SCL-LEA shall provide written notice to the requestor of the date, time and place of hearing. The request for a hearing must be accompanied with a Statement of Issues (PRC § 44310)

If there is no request for hearing, or if the requestor does not timely file a statement of issues, the SCL-LEA may proceed in one of two ways. The SCL-LEA may take the proposed action without a hearing, or in its discretion may proceed to hearing prior to taking any action.

The Hearing Panel shall issue its decision within 5 days from the date of the conclusion of the hearing. The decision shall be effective pursuant to PRC § 45017, discussed later in this booklet. The following chart illustrates the procedure followed to initiate a proceeding before the Hearing Panel.





C. **Application of the Ralph M. Brown Act**

Introduction

An SCL-LEA or Hearing Panel must be sensitive to the needs of each aggrieved party and must make every effort to conform to the provisions of the Brown Act as it applies to the Hearing Panel administrative proceedings.¹

Notice and Posting

Aside from notice mandated by the PRC, at least 72 hours before any hearing the SCL-LEA or Hearing Panel shall cause to be posted an agenda containing a brief general description of the business to be transacted, pursuant to Government Code § 54954.2. The agenda shall specify the time and location of the hearing, and the notice shall be fully accessible to members of the public.

If a special meeting of the Hearing Panel is called by the Chairperson, the meeting is subject to the provisions of Government Code § 54956. The notice shall be posted in a public place, fully accessible to members of the public, at least 24 hours prior to the special meeting. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice shall be actually delivered to each Hearing Panel member at least 24 hours prior to the special meeting. Any member of the news media who has requested notice in writing shall be served the notice at least 24 hours prior to the special meeting.

Open Hearings

Section 54953 of the Brown Act provides that all meetings of a legislative body shall be open to the public, and all persons should be entitled to attend. Even though the Hearing Panel is not a legislative body, PRC § 44305 makes it clear

¹ For example, the California State Attorney General has opined that the Brown Act does not apply to hearings of an Assessment Appeals Board. The opinion contrasted Assessment Appeals Board hearings which provide for closed hearings to protect trade secrets and similar information to the traditional types of open meetings held by Board of Supervisors, City Councils or similar legislative or administrative bodies which conduct their business sessions in public, and which are governed by the Brown Act.

that the Brown Act is applicable to these administrative proceedings.

Closed Sessions

The Brown Act allows closed sessions, where all members of the public are excluded from the hearing, under certain circumstances.

D. Burden of Proof

The party requesting relief, has the burden of proof. That party must prove by a preponderance of the evidence every fact necessary to support the claim for relief, not simply providing the larger quantity of witnesses. It is a measure of the quality of witnesses, documents, exhibits, etc., and the focus should be on which is more credible and convincing.

E. Conduct of the Hearing

Hearings may resemble courtroom trials, and can be less formal and usually proceed more quickly. They usually involve the active participation of the Hearing Panel members in questioning the witnesses. Facts are provided through the introduction of evidence. The hearing does not need to be conducted according to the technical rules relating evidence and witnesses. All parties should have a fair opportunity to present information, and the hearing should flow in an orderly fashion. Only the parties directly involved with a case are permitted to testify in an appeal. A list of witnesses called by each party must be provided to the Hearing Panel and will be shared with both parties in advance of the hearing. The Hearing Panel may grant continuances or time extensions during the hearing to allow parties to verify reported conditions, investigate allegations, determine facts in the case or any other reason deemed necessary by the Hearing Panel.

As an option, the following may be used as a guideline by the Hearing Panel should the less formal procedures does not meet the needs of the Hearing Panel. The following guidelines demonstrate the flow of an individual case. In most cases the party seeking relief (normally the operator or other aggrieved party) will present evidence first, followed by the SCL-LEA. In some cases the SCL-LEA may need to present evidence first.

1. To begin each pending case, the party requesting the hearing (the term "operator" in this narrative) will present the facts of its case, presenting its testimony and documents.

2. Each witness must swear or affirm to the members of the Hearing Panel to tell the truth. Witnesses testify to facts or lay a foundation for the introduction of evidence, or the opinions of an expert witness. The process by which the operator elicits this testimony is called direct examination. It takes the form of questions to, and answers from, each witness.
3. After each witness has been questioned on direct examination, the opposing party (“SCL-LEA” in this narrative) is permitted to question the witness regarding statements or answers given during direct examination. This process is known as cross-examination.
4. After cross-examination of a witness, the Hearing Panel members may, with the permission of the Chairperson, ask questions of the witness.
5. In some instances, the operator may ask the witness additional questions relating to the questions asked during cross-examination. This is known as redirect examination. The SCL-LEA may ask additional questions relating to the answers given to the redirect examination. This is known as re-cross-examination.
6. The process may continue in this manner until there are no more questions or until the Chairperson curtails the questioning as repetitious and unproductive.
7. After the operator has presented all of its witnesses and exhibits, it will rest its case. Then the SCL-LEA follows the same procedures in presenting its case.
8. The operator requesting relief may wish to end with a closing statement that highlights the important facts and testimony of the case.
9. The SCL-LEA will then be allowed to present a closing statement.
10. The Hearing Panel may grant an continuance for the purposes of a) additional fact finding (e.g., Hearing Panel to conduct a site visit, etc.), b) provide opportunity to allow parties to present additional testimony / evidence, c) to continue the discussion and/or resolution of the issues between the Hearing Panel Members, or d) other purpose that the Hearing Panel deem appropriate to grant a continuance.
11. After closing statements, the matter is then considered closed and submitted for decision, and the Hearing Panel then makes its decision.

F. Findings and Decisions

A decision may be reached immediately following submission of the matter, or may require consideration and discussion among the Hearing Panel members before a decision can be reached. After this discussion, a member makes a motion to grant or deny relief to the party requesting such action, and either a vote will be taken or further discussion will follow. If the motion fails, alternative motion may be made and voted upon until a motion passes. As noted, PRC § 44310 requires the Hearing Panel to issue its decision within five (5) days of the conclusion of the hearing. The decision shall be in writing and shall contain “Findings of Fact”, and a determination of the issues presented for and the penalty, if any. Copies of decision shall be sent to all parties and to the CIWMB concurrently.

G. Effective Date of Orders; Appeal

PRC § 44310 states that the Hearing Panel decision shall become effective as set forth in PRC § 45017. PRC § 45017 provides that orders (except cease and desist orders issued pursuant to PRC section 44002) and determinations shall take effect immediately after any time period provided for appeal has expired. Also, any request for a hearing stays the effect of an order pending the completion of all appeals.

Notwithstanding the above paragraph, any provision of an order shall take effect upon service on the affected person, if the SCL-LEA finds that action or inaction concerning the provision in the order may pose an immediate and substantial threat to public health and safety or to the environment. A request for hearing shall not stay the effect of that provision of the order.

Further, if the SCL-LEA determines that any or all provisions of the order are so related to public health and safety or the environment can be protected only by immediate compliance with the order as a whole, then the order as a whole shall take effect upon issuance. A request for a hearing shall not stay the effect of the order as a whole.

An order which is deemed to pose an immediate and subsequent threat to public health and safety or to the environment may be immediately appealed by the aggrieved party to the Hearing Panel. If requested, the hearing will be held as an emergency meeting as set forth in Government Code §§ 11125.5 and 54956.5

VI. APPEALS OF HEARING PANEL DECISIONS

A. Authority for Appeal

PRC § 45030 outlines the appeal process. Any person aggrieved by the decision of the Hearing Panel may appeal to the CIWMB:

- ◆ Review the written decision of the Hearing Panel.
- ◆ Review the petitioner's request if the Hearing Panel failed to render a decision.
- ◆ Review a decision by the governing body not to direct the Hearing Panel to hold a public hearing.
- ◆ Review the panel's decision not to hold a hearing.

The same code section sets forth the deadlines for filing an appeal, as follows:

- ◆ Within 10 days from the date of a written decision by a Hearing Panel.
- ◆ Within 45 days from the failure of the Hearing Panel to render a decision or consider a petitioner's request.
- ◆ Within 45 days from the failure of the Hearing Panel to render a decision or consider a petitioner's request.

B. PRC Section 45031 Board Authority Regarding Appeals

After receiving request for appeal by an aggrieved person, within 30 days, the CIWMB may do any of the following:

- ◆ Decide not to hear the appeal if the applicant does not raise substantial issues.
- ◆ Decide not to hear the appeal if the appellant did not participate in the Hearing Panel's public hearing. The CIWMB may decide to hear an appeal if the appellant shows good cause for failure to appear at the hearing.
- ◆ Hear the appeal, and review the records of the SCL-LEA's Hearing Panel and any written material submitted by the aggrieved party.
- ◆ Hear the appeal and hold a public hearing. The hearing must be held within sixty days unless all parties agree to a delay.

C. Declining Board Actions Re: Appeals

The CIWMB may decline to hear an appeal. It shall provide written notice of its decision. Any action of the SCL-LEA which had been stayed shall become effective 10 days from the date the Board makes its notification, unless judicial review is sought pursuant to Section 45040 by writ of mandate.

The CIWMB may only overturn an enforcement action by a SCL-LEA if it finds, based upon substantial evidence, that the action was inconsistent with the PRC. This restriction based upon substantial evidence, reiterates the difficulty the CIWMB would encounter overturning a SCL-LEA action based on statutory or

regulatory authority. If the appeal is accepted, the CIWMB shall review the record of the Hearing Panel hearing and any other relevant evidence.

D. Appeal to Superior Court

Within 30 days after service of a copy of the decision from the Independent Hearing Panel or the CIWMB, any aggrieved party may file with the Superior Court a petition for writ of mandate for review. The court will examine the records and other relevant evidence in making its review, and their proceedings shall be governed by Section 1094.5 of the Code of Civil Procedure.

ATTACHMENTS

Inspection Forms to Use for Activity Type

Activity Name	Category Name	Inspection Form #	Activity Code	Permit Type
Biosloids Composting at POTWs Op.	Composting	93	51	Notification
Chipping and Grinding Activity Fac./Op.	Composting	93	37	Permit/Notification
Composting Facility (Animal)	Composting	93	16	Permit
Composting Facility (Green Waste)	Composting	93	05	Permit
Composting Facility (Mixed)	Composting	93	18	Permit
Composting Facility (Other)	Composting	93	06	Permit
Composting Facility (Sludge)	Composting	93	17	Permit
Composting Operation (Ag)	Composting	93	19	Notification
Composting Operation (Green Waste)	Composting	93	26	Notification
Composting Operation (Research)	Composting	93	20	Notification
ACW Disposal Site	Disposal	52A	28	Full Permit
CDI Waste Disposal Facility	Disposal	215/188	48	Full Permit
Contaminated Soil Facility, Disposal	Disposal	52	25	Std. Permit
Industrial Waste Codisposal Facility	Disposal	52/188	38	Permit
Inert Debris Engineered Fill Operation	Disposal	215	50	Notification/Permit
Inert Debris Types A Disposal Facility	Disposal	215/188	49	Regist. Permit
Inert Waste Disposal Site	Disposal	52/188	22	Permit/Exemption
Land Application	Disposal	52/188	09	Permit/Exemption
NonHaz Ash Disposal/Monofill	Disposal	626/188	30	Std. Permit
Solid Waste Disposal Site (closed and CIA sites)	Disposal	188	11	Permit/Exemption
Solid Waste Landfill (active and inactive)	Disposal	52	08	Permit/Exemption
Treatment Unit (in situ)	Disposal	52/188	10	Permit/Exemption
Wood Waste Disposal Site	Disposal	52/188	12	Permit/Exemption
Contaminated Soil Operation, Xfer	Transfer/Processing	73	24	Notification
Direct Transfer Facility	Transfer/Processing	53	35	Permit
Emergency CD/I Debris Op.	Transfer/Processing	213	39	Notification
Emergency Trans/Proc Operation	Transfer/Processing	73	36	Notification
Inert Debris Proc Fac. A and/or B	Transfer/Processing	213	40	Full Permit
Inert Debris Type A Proc. Operation	Transfer/Processing	213	41	Notification
Large Vol CD Wood Debris ChipGrind Fac	Transfer/Processing	213	42	Full Permit
Large Vol CDI Debris Proc. Facility	Transfer/Processing	213	43	Permit
Large Volume Transfer/Proc Facility	Transfer/Processing	53	01	Full Permit
Limited Volume Transfer Operation	Transfer/Processing	73	21	Notification
Materials Recovery Facility (MRF)	Transfer/Processing	none	04	None
Medium Vol CD Wood Debris ChipGrind Fac.	Transfer/Processing	213	44	Regist. Permit
Medium Vol CDI Debris Proc. Fac.	Transfer/Processing	213	45	Regist. Permit
Medium Volume Transfer/Proc. Fac.	Transfer/Processing	53	34	Permit
Non-Haz Petroleum Contam Soil Fac/Op	Transfer/Processing	76	29	Std. Permit
Non-Hazardous Ash Trans/Proc Operation	Transfer/Processing	626	52	Notification
Sealed Container Transfer Operation	Transfer/Processing	73	23	Notification
Small Vol CD Wood Debris ChipGrind Op	Transfer/Processing	213	46	Notification
Small Vol CDI Debris Proc. Operation	Transfer/Processing	213	47	Notification
Small Volume Transfer Station	Transfer/Processing	53	02	Full Permit
Treatment Unit (processing)	Transfer/Processing	52	03	Permit/Exemption
Transformation Facility	Transformation	none	07	None

Section 13

SITE ASSESSMENT AND CORRECTIVE ACTION PROCEDURES

13.1 Site Assessment and Corrective Actions Procedures

13.1.1 Site Assessment and Corrective Action Policy

13.1.2 Site Assessment and Corrective Action Objectives

13.2 Site Identification and Preliminary Characterization

13.2.1 Record of Complaint or Special Occurrence

13.3 Corrective Action and Enforcement Procedures

13.4 Follow-up Monitoring and Reporting Procedures

Section 13.0

SITE ASSESSMENT AND CORRECTIVE ACTION PROCEDURES

13.1 SITE ASSESSMENT AND CORRECTIVE ACTION POLICY AND OBJECTIVES

This section presents procedures to be implemented by the Sunshine Canyon Landfill Local Enforcement Agency (SCL-LEA) in identifying and assessing solid waste which has the potential to cause nuisance or endangerment to public health, safety, or the environment. Procedures for achieving corrective action, utilizing enforcement options and approaches to cause the owner or operator to remedy these situations are also described in this section, which must be analyzed in conjunction with the Inspection and Enforcement Procedures contained in Section 12.

13.1.1 Site Assessment and Corrective Action Policy

In addition to routine inspections, the SCL-LEA may identify and refer this site to the appropriate regulatory body for corrective action. These sites will be identified by the SCL-LEA through complaints, special occurrences, and/or chance sighting, regarding potential nuisance, or endangerment to public health, safety and/or the environment.

13.1.2 Site Assessment and Corrective Action Objectives

The objectives of the SCL-LEA are to properly respond to concerns of the public, and other agencies in protecting human health, safety, and the environment from unpermitted, unregulated, or illegal solid waste or disposal activities. In addition, the SCL-LEA will take a proactive position with respect to special occurrences (earthquakes, flooding, fires) which may affect the safe function of existing, regulated solid waste facilities.

Furthermore, the SCL-LEA will insure that the following operator's requirements are in compliance such as:

- Criteria for Landfills and Disposal Sites (27 CCR 20510 – 20945)
- Closure and Postclosure Maintenance (27 CCR 20950 - 21430)

13.2 SITE IDENTIFICATION AND PRELIMINARY CHARACTERIZATION

Identifying whether the Sunshine Canyon Landfill warrants special investigation in accordance with procedures described in this section generally will occur in one of the following manners:

- The site *regulated by the SCL-LEA*:
 - Receipt of a complaint, agency referral or enforcement action notice regarding nuisance or conditions unsafe to public health, safety, or the environment, or
 - An "act of God", or other natural occurrence, which may warrant proactive investigation by the SCL-LEA.
 - An "unforeseen act" such as civil unrest or other third party caused occurrence which results in nuisance or conditions unsafe to health safety or environment which may warrant proactive investigation by the SCL-LEA.
- For a site *not regulated by the SCL-LEA*, referral to the appropriate regulatory agencies will be provided when the following occurs:
 - Receipt of a complaint or conditions unsafe to public health, safety, or the environment, or
 - Chance sighting by SCL-LEA staff of an unregulated, illegal, or abandoned facility, or
 - An "unforeseen act" such as civil unrest or other third party caused occurrence which results in nuisance or conditions unsafe to health safety or environment which may warrant proactive investigation by the SCL-LEA.

13.2.1 Record of Complaint or Special Occurrence

Issues brought to the attention of the SCL-LEA by a concerned resident or referral/notice from another agency will be addressed in a timely manner. If the complaint or referral/notice is received in writing, the SCL-LEA staff member will try to ascertain the information from the sender and complete a complaint form. If received verbally (either in person or by telephone), the

SCL-LEA staff member will complete the complaint form, requesting the following information:

- Time and date of complaint.
- Name, phone number, and affiliation of person reporting.
- Nature of complaint.
- Facility location, approximate size and age, frequency of activity, descriptions of suspects/vehicles, and any other background information regarding site conditions.
- Other agencies notified.
- Phone number and/or address of person registering complaint, so that the SCL-LEA can report on progress, or request additional information.

Within twenty-four (24) hours (or next business day) of receiving a complaint, the SCL-LEA will either investigate the problem, refer the complaint to the appropriate agency, or address the complainant in writing of the reasons for not following up on the matter (i.e. already the issue of a compliance agreement, or known occurrence which is allowed by regulations or permit conditions). Occasionally, members of the public filing complaints with the SCL-LEA may wish to remain anonymous. The SCL-LEA staffer will be understanding of this situation, but will try to persuade the caller to make contact again in a few days, in case additional information is needed. Because identity confidentiality cannot be guaranteed, the SCL-LEA will not make indications to the contrary.

The following special occurrences may cause sites to be identified by the SCL-LEA for unscheduled inspection, assessment and/or corrective actions:

- An earthquake:
 - With magnitude 6.0 or greater (as measured on the Richter Scale), centered within 50 miles of the site
 - With magnitude 7.0 or greater (as measured on the Richter Scale), centered within 100 miles of the site
 - With magnitude 8.0 or greater (as measured on the Richter Scale), centered within 200 miles of the site
- Inundation of all or part of the site, for any period of time.
- Severe rains, exceeding a 24 hour, 250-year return period storm.
- Severe winds at the site, exceeding 40 miles per hour for a period of 6 hours or more.

If the site is identified with the special occurrence named above, the SCL-LEA will complete a facility inspection report after the site visit, which will be immediately included in the SCL-LEA Master Files.

13.3 CORRECTIVE ACTION AND ENFORCEMENT PROCEDURES

The SCL-LEA will implement enforcement actions only as necessary to cause the owner or responsible party to take corrective action and achieve compliance with the applicable regulations or permit conditions.

13.4 FOLLOW-UP MONITORING AND REPORTING PROCEDURES

Follow-up monitoring and reporting will be in accordance with the procedures described in Sections 12.2 and 12.3 of this document.